

ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0067
La Estancia Del Rio

P.C. DATE: 08/28/2012
09/11/2012
10/09/2012

ADDRESS: 1700 1/2 Frontier Valley Drive

AREA: 9.542 acres,
as amended

OWNER: Equity Secured Capital, L.P.
(Vincent M. DiMare, Jr.)

AGENT: MWM Design Group
(Amelia Lopez)

ZONING FROM: CS-NP; General Commercial Services-Neighborhood Plan

ZONING TO: (As Amended): MF-3-NP; Multifamily Residence Medium Density-Neighborhood Plan

NEIGHBORHOOD PLAN AREA: Montopolis

SUMMARY STAFF RECOMMENDATION (Amended on September 17, 2012)

Staff recommendation is to grant Multifamily Residence Medium Density-Conditional Overlay-Neighborhood Plan (MF-3-CO-NP) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day and impose a residential unit cap of 252 units.

PLANNING COMMISSION RECOMMENDATION:

August 28, 2012 – Postponed to September 11, 2012 at the request of neighborhood associations. [Motion by Commissioner Hatfield; Second by Commissioner Chimenti; Approved 9-0.]

September 11, 2012 – Approved CS-MU-CO-NP as recommended by staff. [Motion by Commissioner Hatfield; Second by Commissioner Smith; Approved 6-1-1 (Commissioner Roark voted against; Commissioner Nortey abstained; Commissioner Hernandez was absent).]

October 9, 2012 – Approved MF-3-CO-NP with the conditional overlay of 2,000 vehicle trips per day and additional conditions. [Motion by Commissioner Chimenti; Second by Commissioner Smith; Approved 9-0.]

Additional conditions recommended by the Commission include buildings adjacent to Frontier Valley shall be oriented towards Frontier Valley and buildings adjacent to the proposed right-of-way reserve shall be oriented towards the reserve; surface parking shall be interior to the site; and sidewalks shall be provided along Frontier Valley Drive.

Note: The condition to limit the number of residential units to 252 is not recommended.

The applicant is in agreement with all conditions and the Planning Commission's recommendation.

UPDATE ON APPLICATION AFTER 09/11/2012 COMMISSION APPROVAL:

The original request for CS-MU-NP submitted by the applicant, supported by the Montopolis Neighborhood Plan Contact Team (MNPCT), recommended by staff, and approved by the Commission, was to rezone an approximately 10.5-acre tract by adding the Mixed Use Combining District to the existing General Commercial Services, with conditions that the site not generate more than 2,000 vehicle trips per day, that multifamily development be limited to 252 units and that MF-3 standards would apply to multifamily uses. This amended application is ostensibly the same project, with two noteworthy changes regarding connectivity and acreage.

There was significant discussion about the proposed East Riverside Corridor Regulating Plan at the Commission meeting in which this case was considered, especially as it related to a proposed collector street that intersected this project's parent parcel. Although there was broad interest in securing right-of-way for a future collector street as depicted in the adopted East Riverside Corridor Master Plan and draft Regulating Plan, there was uncertainty about exactly where the envisioned right-of-way could, would, or should be located, and acknowledgement that until the Regulating Plan was adopted, the applicant could not be compelled to comply with the connectivity envisioned in the Regulating Plan.

After approval of the neighborhood plan amendment and rezoning case by the Commission, the applicant revised the preliminary site plan. It is now proposed that the multifamily project will be developed with a 70-foot wide right-of-way reserve that crosses the property from east to west. Although not yet finalized as to interim uses of the space, the intent is that this strip of land could be used as a driveway, pedestrian and bicycle path, or similar uses by the residents of the multifamily project until such time the City requested the right-of-way be conveyed. Once this reserve was conveyed to the City, the multifamily development would essentially split into a northern and southern portion, bisected by a public, local-level collector. At this time, staff believes the applicant is willing to document this right-of-way reserve and promised future conveyance to the City through a restrictive covenant that would be approved in tandem with the rezoning ordinance adopted by Council.

Also not yet finalized is the exact location of this right-of-way reserve. At present, the applicant is attempting to coordinate the reserve's location with an abutting property owner, so that a continuous east-west alignment may be realized when the abutting property is developed. However, the owner of the abutting property maintains a preferred location for the roadway that is approximately 1,000 feet north of Riverside Drive, which is significantly further north than currently depicted in the draft Regulating plan (please refer to Exhibit AC).

Consequently, while some aspects of the where, how, and when might still be under consideration and discussion between the applicant, staff, and an abutting property owner as regards this proposed east-west collector street, it is clear that this applicant is willing to incorporate and provide a reserve for future right-of-way that advances the connectivity goals of the East Riverside Corridor Master and Regulating Plans.

The acreage of the subject tract has also changed; specifically, is it smaller by approximately one-acre. It has been the intention of the applicant to combine the rezoned acreage with the existing seven-plus acres of multifamily-zoned property to the north for the actual project. The remaining CS-NP acreage would not be rezoned, but rather retained, along with the existing six and one-half acres of CS-MU-NP acreage abutting Riverside, by the current owner. The reduction in acreage may result be a slight increase in density per

acre, but would still fall well below that allowed by the MF-3 district; furthermore, the rezoned property would remain capped at 252 units per the proposed conditional overlay.

Regarding the change in the proposed zoning itself, there really is not a substantive change. The conditions recommended by staff and approved by the Commission with the addition of the Mixed Use combining district at the previous Commission meeting included a mandate that multifamily use conform to MF-3 standards. Staff supported MF-3 standards then; staff supports MF-3 as a base zoning district now.

Procedurally, the CS-MU-NP application was scheduled for City Council consideration on 9/27/2012. Because the applicant requested an amendment to the application in mid-September (see Exhibit AA), the application was postponed in order to allow the applicant the opportunity to meet again with the MNPCT in order to request their continued support, and reappear before the Planning Commission for their continued consideration of approval. The exact acreage of the proposed MF-3 tract also varied, from just under six acres initially to nine-plus acres later. Ultimately it was finalized at 9.542 (see Exhibit AB for corrected letter of application amendment), and that was the acreage included in renotification letters. Although the case was postponed at that Council meeting until 10/11/2012, it will be postponed again by staff until October 18, 2012, as notification had already announced the 10/09 and 10/18 Commission and Council public hearings, respectively, and there was insufficient time to notice for a 10/11/2012 public hearing at the City Council.

Since the Planning Commission meeting on September 11, staff has received correspondence supporting the then-proposed CS-MU rezoning (see Exhibits labeled BB). The applicant intends to meet with the MNPCT on Thursday, October 4; if continued support for the project is forthcoming from the MNPCT, there may be additional correspondence regarding this support.

Staff has also received correspondence regarding an appeal of the Commission's recommendation; City staff has determined the decision cannot be appealed (see Exhibits labeled CC). Most recently, staff has received a request for a postponement of the zoning case and associated neighborhood planning case (see Exhibit DD). Staff has received one additional letter in opposition to the project, which was received after Commission action on the proposed CS-MU rezoning, and several others after a recent MNPCT meeting (see Exhibits labeled EE).

[For purposes of this staff report, documents received after the September 11th Commission meeting have double letter labels (e.g., AB) and are located at the beginning of the attached Exhibits. Exhibits A-A2 have been updated to reflect the change in tract acreage.]

DEPARTMENT COMMENTS:

The subject property is located between Vargas Road and Frontier Valley Drive, and fronts Frontier Valley Drive beginning approximately 290 feet north of Riverside Drive. The tract parallels Frontier Valley Drive for a length of approximately 750 feet. Immediately to the south, west and north, the subject tract abuts undeveloped tracts. The northernmost point of the tract is approximately 50 feet from the nearest single-family zoned residence and the existing manufactured housing community is approximately 730 feet north of the northern boundary. The east side of Frontier Valley Drive includes self-storage facilities, an undeveloped lot, and apartments across from the subject tract, as well as condominiums to the south and manufactured housing north of the apartment complex (please refer to attached zoning and aerial maps, Exhibits A to A-2).

The existing zoning for the subtract tract and all adjacent tracts has not changed since approved as part of the Montopolis Neighborhood Plan, adopted in 2001. Per that adopted Neighborhood Plan and its attendant Future Land Use Map, the subject tract is Commercial; however, a Neighborhood Plan Amendment accompanies this zoning request. The parent parcel of this tract was rezoned from I-SF-3 to CS in 1984. A proposed rezoning of the tract to SF-4A residential was approved by the Planning Commission but denied by the City Council in 2011.

The rezoning request is driven by the desire of the owner to develop the property as multifamily residential. Specifically, the property is to be developed with 252 units of affordable rental housing. The adopted East Riverside Corridor Master Plan (ERCMP) has identified this tract as a Neighborhood Residential district, which is to be a transition from existing single family neighborhoods to the more active, urban development of the core of East Riverside Drive. Residential units may vary in form, but include smaller-scale multifamily. This specific tract, between Vargas Road and Frontier Valley, was called out in the ERCMP as a transition down to neighborhoods to the north of the corridor planning area. Additionally, the proposed use of this tract as multifamily is consistent with the draft East Riverside Corridor Regulating Plan.

By participating in a competitive tax credit program administered through the Texas Department of Housing & Community Affairs, the owner is proposing to develop affordable multifamily housing that is below market rate. There will likely be a mix of unit types and configurations, and a mix of different levels of affordability. Ultimately, the proposed project would be owned and managed by the Cesar Chavez Foundation. That the residences would be available below market rate is consistent with another of the ERCMP's goals, which is support for the creation of additional affordable housing options.

The property has not been platted or subdivided; however, a land status determination has been made that exempts the property from platting per the "over 5-acre" exemption (see Land Status Determination Exemption Certificate, Exhibit A-3). If the proposed rezoning is approved, the next step in development of the property is site planning.

OTHER CONSIDERATIONS:

The property is located within the Montopolis Neighborhood Plan area, and the rezoning request is accompanied by a proposed Neighborhood Plan Amendment. The MNPCT supported the original plan amendment and rezoning request as did some residents and neighborhood associations (see attached Exhibits labeled "B"). Other members of the neighborhood and associations have been less supportive (see attached Exhibits labeled "C").

On August 28, 2012 a two-week postponement was granted in order for the applicant and neighborhood residents to continue discussion on the proposed plan amendment and rezoning. Staff attended a follow up meeting with the applicant and neighborhood in which transportation and other concerns were discussed. Staff was aware of numerous email exchanges and forwarded correspondence among applicant and neighborhood residents. Staff was aware of a number of concerns voiced by some residents; many of these concerns have been communicated to the Commission and City Council. While staff thinks the neighborhood residents can and will continue to speak for themselves on these issues, staff felt a clarification was warranted on three stated concerns: additional affordable housing, site access/neighborhood connectivity, and impact to the school district.

From the outset, the applicant has told neighborhood residents and staff that the current plan amendment and proposed rezoning is driven by a proposed multifamily project that will be considered "affordable." The project would be developed with State resources and offer below-market rents. Ultimately, the project would be managed by a national foundation. Be that as it may, the zoning principles considered by staff did not take into account affordability criteria or ownership status. The land use decision centered, and continues to be centered, on multifamily use. Until the Siting Policy is adopted by Council, staff does not have the policies, directives, or other criteria in place to consider affordable housing location. Even if such a policy were in place, it is unknown to what extent, if any, this would impact projects that are not using City resources or funding.

There was also been discussion about the proposed project and how it would connect to the existing roadways (access) and how it might impact connection throughout the neighborhood (i.e., connectivity). As proposed, the multifamily development would take ingress and egress only from the existing Frontier Valley. A traffic impact analysis (TIA) was not required because the expected number of daily vehicle trips generated by the project is less than 2,000, thus under the threshold in which the Land Development Code requires a TIA. Furthermore, a proposed conditional overlay on the tract limited the project to no more than 2,000 vehicle trips. Even if the project were to generate 2,000 vehicle trips, that additional number of trips would not put Frontier Valley over capacity.

Consequently, the project can be adequately served by access to and from Frontier Valley and Frontier Valley may continue to adequately serve the neighborhood. A secondary means of access to an adjacent or nearby street, such as Riverside, was not required. Nevertheless, the applicant proposed to construct a driveway stub out at the southern boundary of the project so that in the future, if the southern commercial acreage is developed with a street or a private driveway, this project might have the opportunity to tie into that street or driveway. While this might involve future relocation of the driveway, it would be an option for additional ingress and egress to the project.

Connectivity, in the context of this proposal, referred to connections through the neighborhood generally, and with regard to the East Riverside Corridor planning effort specifically. The adopted East Riverside Corridor Master Plan envisions future development in which local streets and collectors form a grid-like pattern to facilitate both east-west and north-south connections. In that document, there is a collector street running from east of Frontier Valley to Vargas on the west, and to points beyond; that envisioned collector street bisects this property. Two critical points must be understood. First, the Master Plan's collector street layout is conceptual or illustrative – it does not establish the exact location or alignment of any collector or local street. In fact, the Master Plan depicts a number of potential east-west crossings whereas the Regulating Plan depicts a single crossing; it's unclear if that single location matches any of those illustrated in the Master Plan. Second, the East Riverside Corridor Regulating Plan, which implements the Master Plan through the adoption of land use, site development, building design, circulation, connectivity, and streetscape standards, has not been adopted. However, it should be noted if the project is built without providing right-of-way, or a reserve for future right-of-way, this may impact the potential for the creation of an interconnected street network in that area, as envisioned in the Master Plan.

Therefore, while there may be general agreement about the desire for a collector-level street in this area between Frontier Valley and Vargas, the exact location of that street is

undetermined. Moreover, without adoption of the Regulating Plan, there is no regulatory mechanism or legal requirements with which to compel the applicant to participate in that future collector's creation (either through right-of-way dedication or construction).

In sum, while it is obvious that this project, if developed as allowed by this proposed zoning change, will have impacts to traffic in the neighborhood, the project is in compliance with regulatory requirements for access and connectivity at this time. If a rezoning, subdivision or site plan application were submitted for this subject tract after adoption of the Regulating Plan, the question of connectivity would be revisited.

Lastly, the subject tract is within the boundaries of the Del Valle Independent School District (DVISD). A response from the DVISD regarding a proposed 252-unit multifamily project at this location is attached as Exhibit D.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP	Undeveloped
<i>North</i>	MF-3-NP; MH-NP; SF-3-NP	Undeveloped; Manufactured Housing Community
<i>South</i>	CS-MU-NP	Undeveloped; Riverside Drive
<i>East</i>	CS-MU-NP; CS-NP; MF-3-CO-NP	Frontier Valley Drive; Multifamily/Condos, Convenience self-storage; Undeveloped; Multifamily; Manufactured Housing Community
<i>West</i>	CS-MU-NP; SF-3-NP	Undeveloped

TIA: Not Required

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Southeast Austin Neighborhood Alliance	189
Crossing Gardenhome Owners Assn. (The)	299
El Concilio, Coalition of Mexican American Neigh. Assn.	477
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	774
Home Builders Association of Greater Austin	786
PODER People Organized in Defense of Earth & Her Resources	972
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Riverside Meadows Homeowner's Association	1131
Carson Ridge Neighborhood Association	1145
Vargas Neighborhood Association	1179

Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Montopolis Neighborhood Plan Contact Team (MNPCT)	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association 2008	1339
Austin Heritage Tree Foundation	1340
Montopolis Community Alliance	1357
SEL Texas	1363

SCHOOLS:

Del Valle Independent School District:

Smith Elementary

John P. Ojeda Middle School

Del Valle High School

CASE HISTORIES:

There has been no zoning change to this or immediately abutting properties since adoption of the Montopolis Neighborhood Plan in 2001.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-84-310; C14-84-310-RC (this includes subject tract and undeveloped property immediately south and north)	I-SF-3 to MF-3 and CS	Approved; 10/24/1984	Approved; 3/6/1986
C14-01-0060 (this includes subject tract and undeveloped property immediately south and north)	CS, MF-3 to CS-MU-NP for the first 300' from Riverside Drive; CS-NP and MF-3-NP for remainder of site	Approved; 08/07/2001	Approved; 09/27/2001
(undeveloped property to west)	SF-3 to CS-MU-NP for the first 300' from Riverside Drive; SF-3-NP for remainder of site	Approved; 08/07/2001	Approved; 09/27/2001
(property to east – condominiums)	CS to CS-MU-NP	Approved; 08/07/2001	Approved; 09/27/2001
(property to east – convenience)	CS to GR-MU-NP	Approved; 08/07/2001	Approved; 09/27/2001

storage)			
(property to east – undeveloped)	CS to CS-NP	Approved; 08/07/2001	Approved; 09/27/2001
(property to east – apartments) C14-01-0060	SF-2 to SF-2-NP;	Approved; 08/07/2001	Approved; 09/27/2001
C14-05-0026	SF-2-NP to MF-3-CO-NP	Approved; 04/12/2005	Approved; 08/18/2005

RELATED CASES:

The subject tract is unplatted, but a Land Status Determination (C8I-2012-0173) completed on July 25, 2012, found the subject tract to be exempt under the over 5-acre rule.

In 1984 the 10-acre subject tract and its parent parcel were rezoned from I-SF-3 to CS for an approximate 1000-foot deep strip along Riverside and MF-3 for the remaining northern acreage (C-14-84-310). Associated with that rezoning was a restrictive covenant (C14-84-310RC) that created a 1.27-acre, 50-foot deep, no building setback, or buffer, along the north and west corner of the property. Additionally, an approximately 0.19 acre, 5-foot wide strip along Frontier Valley was deeded to the City (as right-of-way dedication) as part of that rezoning.

In 2001 the Montopolis Neighborhood Plan was adopted, and the NP designation was appended to the parcel's base CS and MF-3 zoning (C14-01-0006). The current Future Land Use Map designation on the subject tract is commercial; however, a neighborhood plan amendment to add Neighborhood Mixed Use is also proposed for consideration by the Planning Commission (NPA-2012-0005.01).

The parent parcel underwent an ownership change after the neighborhood plan was adopted. In 2010 and 2011, a neighborhood plan amendment (NPA-2011-0005.11) and rezoning of the subject tract to allow SF-4A zoning (C14-2010-0204) was proposed and subsequently approved by the Planning Commission.

Concurrent with that proposed rezoning, the previously-executed restrictive covenant creating the setback buffer was to be terminated (C14-84-310RCT). The City Council approved termination of the restrictive covenant but denied the SF-4A zoning request.

Consequently, the tract's current base zoning dates from 1984 and has only been modified with the NP designation in 2001.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Frontier Valley Drive	65 feet	38 feet	Collector	1,998

CITY COUNCIL DATE: October 18, 2012

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

STAFF RECOMMENDATION**C14-2012-0067****BACKGROUND**

Though identified as commercial use on the Future Land Use Map, a neighborhood plan amendment and proposed SF-4A rezoning were approved by the Planning Commission in 2011. That request was denied by the City Council, in part, because the proposed SF-4A was not thought to have sufficient density for the tract in light of the recently adopted East Riverside Corridor Master Plan (ERCMP). The tract has been zoned with a base CS district since 1984 and remains undeveloped.

SUMMARY STAFF RECOMMENDATION

Staff recommendation is to grant Multifamily Residence Medium Density-Conditional Overlay-Neighborhood Plan (MF-3-CO-NP) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day and impose a residential unit cap of 252 units.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The existing general commercial services (CS) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

The requested Multifamily Residence Medium Density, or MF-3, district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable. NP – Neighborhood Plan district, denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The requested district would allow residential development of a 252-unit multifamily development, which is currently proposed. A conditional overlay would limit residential to a 252-unit cap, resulting in a density significantly less than allowed under the district.

This tract is nearby existing residential – manufactured housing, apartments, and condominiums – and adjacent to large undeveloped tracts. The adopted ERCMP envisions this area as one of transition, both along Riverside and away from Riverside. Along Riverside Drive, Frontier Valley lies at a midpoint between potential transit stops at Montopolis and near US Highway 71. Away from Riverside, this area is seen as a transition

between the more active Neighborhood Mixed Use along Riverside and the residential neighborhoods to the north. It should be noted the Frontier Valley/Riverside Drive intersection was identified in the adopted ERCMP as a potential secondary stop for light rail/street cars. That intersection was also identified for a potential new traffic signal and improved with crosswalks and pedestrian signals. While the implementation of such infrastructure improvements is uncertain, the current rezoning proposal will permit a use that is compatible with existing uses and anticipated future development(s).

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

If developed as proposed, the multifamily use on this tract would lie between developed higher-density residential already existing on Frontier Valley (condominiums and apartments) and undeveloped areas to the north, west, and south. These undeveloped tracts are designated as multifamily, single-family, and commercial mixed use on the current Future Land Use Map; the adopted ERC Master Plan and draft Regulating Plan identifies these same single-family and commercial areas as Neighborhood Residential (similar to the subject tract) and Neighborhood Mixed Use.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped with a mix of small and medium-sized trees and shrubbery. It is relatively flat and there appear to be no significant topographical constraints or environmental features on the site.

Impervious Cover

The maximum impervious cover allowed under the proposed CS-MU-CO-NP combining zoning district is determined by the watershed regulations described below.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Water Quality Control Requirements

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

Additional right-of-way for Frontier Valley Drive may be required at the time of subdivision and/or site plan.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, a conditional overlay shall be executed to limit traffic to less than 2,000 vehicle trips per day [LDC, 25-6-117].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Site Plan and Compatibility Standards

Any new development is subject to Subchapter E. Design Standards and Mixed Use.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

This site is located in the Montopolis Neighborhood Plan.

Additional comments may be made when the site plan is submitted.



September 14, 2012

Mr. Lee Heckman
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: 1700 ½ Frontier Valley Drive
Request to Modify Zoning Request

Dear Mr. Heckman:

Please accept this letter as our request to modify our zoning application, Case Number C14-2012-0067. Our initial application requested to rezone 10.65 acres from CS to CS-MU. Our modified request is to rezone approximately 6 acres from CS to MF-3. Attached is an exhibit of our proposed request. A metes and bounds description will follow next week.

Based upon discussion at the September 11th Planning Commission meeting and discussions with zoning staff, neighborhood planning staff, East Riverside Corridor Plan staff, and neighboring residents, we have modified our site to incorporate future connectivity into our project. To better define the development standards for our project, we feel that the MF-3 zoning district is more appropriate and provides certainty for the neighborhood.

Please review our request to modify the zoning application and consider its approval. Should you have any questions or desire additional information, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank H. Del Castillo, Jr.'.

Frank H. Del Castillo, Jr.
Land Entitlement Project Manager

Exhibit AA - 1

SCALE:
1"=200'

SANTIAGO DEL
VALLE GRANT
(S55)

VARGAS PROPERTIES I, LTD.,
A TEXAS LIMITED PARTNERSHIP
TRACT VI (17.09 ACRES)
VOL. 12842, PG. 557 RPRTCT

TRACT VI (17.09 ACRES)

— TRACT VII
(1.01 ACRES)

(N61°40'00"W)
(508.73')
—
(S45°23'00"W
(98.89')—

(N61°40'00"W)
(391.54')

EAST RIVERSIDE DRIVE
(ROW VARIES)

FVMHHP, LP
DOC. 2009191342 OPRTCT
(1.680 ACRES)

5/B

N44°27'00"W (561.16')
N44°29'43"W 561.20'
S44°29'43"E 556.30'
(S44°29'02"E) (556.33')

LANDMARK

N70°06'56"E 143.42'

SFE INSET A

(600.00')
(600.00')

(1.680 AC.)

1/2 1/2

N45°32'54"E 0.11'

1/2 1/2

N44°29'43"W 4.90'

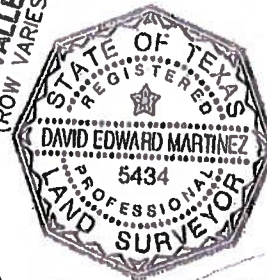
INSET A NTS

EQUITY SECURED CAPITAL, LP
(22.23 AC.)
DOC. 2010079698
OPRTCT

POINT OF BEGINNING

CS to MF-3
Commercial to Multi Family
5.98 Ac.

10.601 ACRES



David E. Martinez
LEGEND 07/10/12

LEGEND

- | | |
|--------|--|
| △ | 5/8" IRON ROD W/CAP SET |
| ○ | 1/2" IRON ROD FOUND |
| 5"E | (UNLESS NOTED) |
| ○ | 3/4" IRON PIPE FOUND |
| ⊙ | CALCULATED POINT |
| RPRTCT | REAL PROPERTY RECORDS
TRAVIS CO, TX |
| OPRTCT | OFFICIAL PUBLIC RECORDS
TRAVIS CO, TX |

BEARING BASIS: NORTHWESTERLY LINE (N45°22'45"E,
2165.71') OF 22.23 ACRES CONVEYED IN DOCUMENT
2010079698 OF THE OFFICIAL PUBLIC RECORDS OF
TRAVIS COUNTY, TEXAS



**305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734**

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 10 JULY 2012
JOB NO: 47702
FILE: 10 258AC

3

3 OF 3



October 2, 2012

Mr. Lee Heckman
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: 1700 ½ Frontier Valley Drive
Request to Modify Zoning Request

Dear Mr. Heckman:

Please accept this letter as our request to modify our zoning application, Case Number C14-2012-0067. Our initial application requested to rezone 10.65 acres from CS to CS-MU. Our modified request is to rezone 9.542 acres from CS to MF-3. Attached are the metes and bounds and exhibit to accompany our proposed request.

Based upon discussion at the September 11th Planning Commission meeting and discussions with zoning staff, neighborhood planning staff, East Riverside Corridor Plan staff, and neighboring residents, we have modified our site to incorporate future connectivity into our project. To better define the development standards for our project, we feel that the MF-3 zoning district is more appropriate and provides certainty for the neighborhood.

Please review our request to modify the zoning application and consider its approval. Should you have any questions or desire additional information, feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Frank H. Del Castillo, Jr.'.

Frank H. Del Castillo, Jr.
Land Entitlement Project Manager

Exhibit AB - 1

Field Notes

BEING 9.542 ACRES OF LAND, MORE OR LESS, OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 22.23 ACRE TRACT CONVEYED TO EQUITY SECURED CAPITAL, LP BY SUBSTITUTE TRUSTEE'S DEED, EXECUTED ON MAY 6, 2010 AND FILED FOR RECORD ON JUNE 4, 2010, RECORDED IN DOCUMENT 2010079698 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 9.542 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the northwesterly right-of-way line of Frontier Valley Drive (R.O.W. varies), and in the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract, for the Point of Beginning and the most easterly corner of the herein described tract of land, from which a calculated point at the most easterly corner of said 22.23 acre Equity Secured Capital, LP tract and in the southwesterly line of the tract conveyed to FVMHP, LP by deed recorded in Document 2009191342 of the Official Public Records of Travis County, Texas bears North 45°32'54" East, a distance of 600.00 feet and from the most easterly corner of said 22.23 acre Equity Secured Capital, LP tract a 1/2 inch iron rod found bears North 45°32'54" East, a distance of 0.11 feet;

1) THENCE, South 45°32'54" West, a distance of 749.40 feet, with the northwesterly right-of-way line of Frontier Valley Drive and the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract, to 5/8 inch iron rod with MWM cap set for the most southerly corner of the herein described tract of land, from which a 1/2 inch iron rod found at the intersection of the northwesterly right-of-way line of Frontier Valley and the northeasterly right-of-way line of East Riverside Drive (R.O.W. varies), same being a southeasterly corner of said 22.23 acre Equity Secured Capital, LP tract bears South 45°32'54" West, a distance of 293.03 feet;

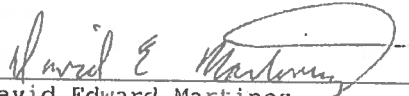
2) THENCE, North 44°33'13" West, a distance of 553.30 feet, leaving the northwesterly right-of-way line of Frontier Valley Drive and the southeasterly line of said 22.23 acre Equity Secured Capital, LP tract and crossing said 22.23 acre Equity Secured Capital, LP tract, to a 5/8 inch iron rod with MWM cap set in the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of the 17.09 acre tract conveyed as Tract VI, to Vargas Properties I, Ltd., by deed recorded in Volume 12842, Page 557 of the Real Property Records of Travis County, Texas, for the most westerly corner of the herein described tract of land, from which an iron rod found in the northeasterly right-of-way line of East Riverside Drive and at the most westerly corner of said 22.23 acre Equity Secured Capital, LP tract and the most southerly corner of the 1.01 acre tract conveyed as tract VII to Vargas Properties I, Ltd., by deed recorded in Volume 12842, Page 557 of the Real Property Records of Travis County, Texas, bears South 45°22'45" West, a distance of 480.00 feet;

3) THENCE, North 45°22'45" East, a distance of 750.00 feet, with the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of said 17.09 acre Vargas Properties I, Ltd. tract to a calculated point for the most northerly corner of the herein described tract of

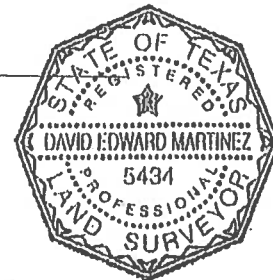
land, from which a 3/4 inch iron pipe found in the southwesterly right-of-way line of Lawrence Street (30' R.O.W.), same being an angle point in the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract, and the most easterly corner of said 17.09 acre Vargas Properties I, Ltd tract, bears North 45°22'45" East, a distance of 35.57 feet;

4) THENCE, South 44°29'30" East, a distance of 555.52 feet, leaving the northwesterly line of said 22.23 acre Equity Secured Capital, LP tract and the southeasterly line of said 17.09 acre Vargas Properties I, Ltd tract and crossing said 22.23 acre Equity Secured Capital, LP tract, to the Point of Beginning and containing an area of 9.542 acres of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.


David Edward Martinez
Registered Professional Land Surveyor 5434

09/18/12
Date



305 East Huntland Drive
Suite 200
Austin, Texas 78752
(512) 453-0767

Bearing Basis: Northwesterly line (North 45°22'45" East, 1265.71') of 22.23 acres conveyed Equity Secured Capital, LP in Document 2010079698 of the Official Public Records of Travis County, Texas

TCAD No.: 0309160106
CITY GRID No.: L18

LINE TABLE		
LINE	BEARING	LENGTH
L1	N45°22'45"E	35.57'

SCALE:
1"=200'

SANTIAGO DEL
VALLE GRANT

VARGAS PROPERTIES I, LTD.,
A TEXAS LIMITED PARTNERSHIP
TRACT VI (17.09 ACRES)
VOL. 12842, PG. 557 RPRCT

CHERNOSKY No. 17
BK.5, PG. 130 PRCT

SANTOS STREET
(50' ROW)

CANAL STREET
(50' ROW)

LAWRENCE STREET
(30' ROW)

EQUITY SECURED CAPITAL, LP
(22.23 AC.)
DOC. 2010079698
OPRTCT

FVMHP, LP

DOC. 2009191342 OPRTCT
(1.680 ACRES)

LANDMARK

N70°06'56"E
143.42'

SEE
INSET A

(N44°27'00"W) (561.16')
(N44°29'43"W) (561.20')
(S44°29'43"E) (556.30')
(S44°29'02"E) (556.33')

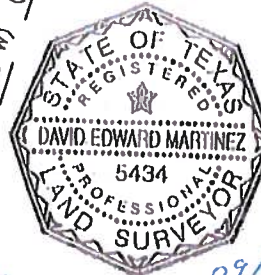
(600.00')
600.00'

(S45°33'00"W)
N45°32'54"E
(ROW VARIES)

FRONTIER VALLEY DRIVE
(ROW VARIES)

(1.680 AC.)
1/2 N45°32'54"E 0.11'
1/2 N44°29'43"W 4.90'
600.00'
1642.43'

INSET A
NTS



09/18/12
David E. Martinez

LEGEND

- 5/8" IRON ROD W/MWM CAP SET
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- ⊙ 3/4" IRON PIPE FOUND
- △ CALCULATED POINT

RPRCT REAL PROPERTY RECORDS OF TRAVIS CO, TX

OPRTCT OFFICIAL PUBLIC RECORDS OF TRAVIS CO, TX

BEARING BASIS: NORTHWESTERLY LINE (N45°22'45"E, 2165.71') OF 22.23 ACRES CONVEYED IN DOCUMENT 2010079698 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

INSET B
NTS
S59°37'42"E 5.04'

(N61°22'09"W) (556.67')
S61°19'57"E 557.19'

EAST RIVERSIDE DRIVE
(ROW VARIES)

TRACT VII
(1.01 ACRES)
(N61°40'00"W) (508.73')
(S45°23'00"W) (98.89')
(N61°40'00"W) (391.54')

SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE 18 SEP 2012
JOB NO. 47762
FILE 9_542 AC

3

3 OF 3

mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

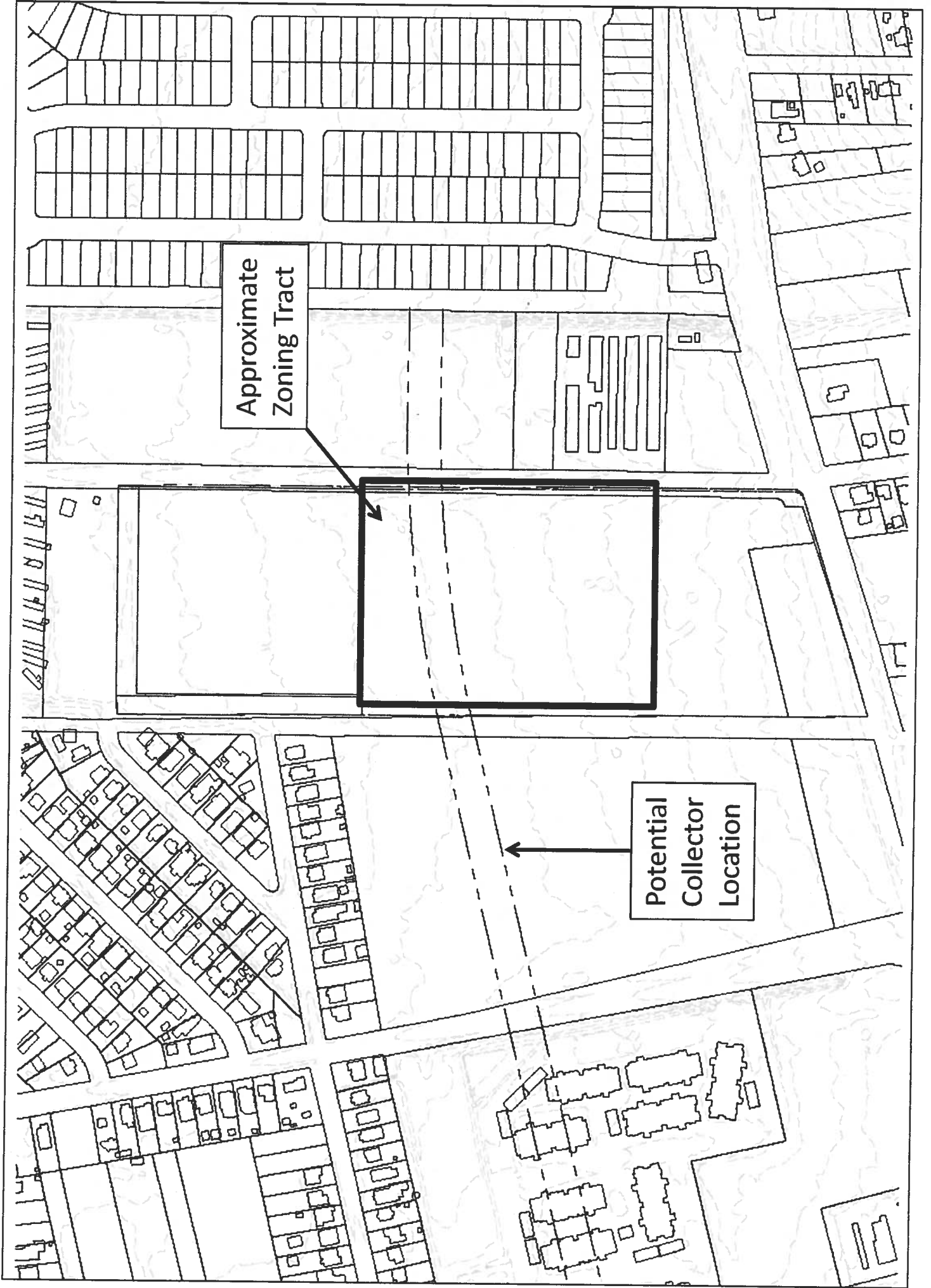


Exhibit AC

Mark C. Rogers
1104 East 10th Street
Austin, Texas 78702

September 13, 2012

Mayor Lee Leffingwell
Mayor Pro Tem Sheryl Cole &
City Council Members
P.O. Box 1088
Austin, Texas 78767-1088

RE: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive


Dear Mayor and City Council Members:

I write to express my support for the Montopolis Neighborhood Plan Contact Team's position in favor of the mixed-use development proposal at 1700 ½ Frontier Valley Drive. Their position is in harmony with the Montopolis Neighborhood Plan adopted by City Council. I believe it is critical to place high value on the positions taken by impacted neighborhoods and even more so when a specific position affirms the goals, objectives and recommendations of the applicable adopted Neighborhood Plan.

It is unfortunate and deplorable that policies of the past deliberately concentrated minorities and, for that matter, all people with extremely low incomes in East Austin. It is, in my opinion, just as despicable that today people are trying to use the errors of the past as an argument to deny people with low-incomes new opportunities to find affordable, high quality housing in the communities they consider home. But that is what is happening; not only in Montopolis, but also in Central East Austin. Increasingly, I am sure you will hear some residents of East Austin urging you not to support projects in "their" neighborhoods and to "end the pattern of concentrating poverty" there. They will NOT tell you that even run-down homes in their neighborhood are selling for \$175,000 and much more. That rents for run-down 2-bedroom units are \$1000 a month or more. They will not mention that the 2010 census showed that Austin's 78702 zip code saw the 2nd largest increase in the White population of all zip code areas *in the United States*. We do not need that statistic to know that East Austin is rapidly being gentrified and is no longer affordable for a large share of Austin's population—of every color.

When you hear arguments from people, or when you see proposals for an "affordable housing siting policy" that points to past segregating of the poor into East Austin, please ask for the data that shows **where East Austin will be in 10 or 20 years**. Looking at an image that shows a "crescent of affordable housing projects" does not tell you which of those projects will disappear as affordable housing in the near future or how many other affordable units in those areas are disappearing every day.

The simple, undeniable factor that I urge you to keep always at the forefront of your considerations is that Austin has become the least affordable city in Texas. No area of town is becoming notably more affordable. With that in mind, I hope you agree that new, quality, long-term affordable housing anywhere in Austin is a GOOD THING!

Sincerely,

Mark C. Rogers

PUBLIC HEARING INFORMATION

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Andrea Zarate

Your Name (please print)

6211 Langham St. Unit B Austin, TX 78741

Your address(es) affected by this application

Andrea Zarate

Signature

09/20/2012

Date

Daytime Telephone: 832-677-2277

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Diana Gomez
Your Name (please print)

☒ I am in favor
☐ I object

6211 Langham Street, Unit B

Your address(es) affected by this application Austin, TX 78741

Diana S 9/20/12
Signature Date

Daytime Telephone: (512) 578-5064

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Juan Carlos Palido

Your Name (please print)

4513 Elwood Rd

Your address(es) affected by this application

9/20/12 Date

Signature

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Marlene Berbine Trevin

Your Name (please print)

P.O. Box 927 Kyle TX 78640-0927

Your address(es) affected by this application

Marlene Berbine Trevin

Signature

9-20-12

Date

Daytime Telephone: *(512) 295-3742*

Comments:

*Having trouble with the
comment for 25 mg it was
submitted to the government
on 9/20/12. I am in favor
there.*

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Christina Carrillo
Your Name (please print)

3305 Ned St Austin TX 78702
Your Address(es) affected by this application

☒ I am in favor
☐ I object

John Carrillo
Signature

Date

Daytime Telephone: *512-928-1864*

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

JUANITA COLUNGA KNOX
Your Name (please print)

403 SPRINGDALE

Your address(es) affected by this application

Juanita C. Knox

Signature

9/19/12

Date

Daytime Telephone: 512-699-7776

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

ROSA SANTIS

Your Name (please print)

403 Springdale

Your address(es) affected by this application

Austin, Tx. 78702

Signature

Daytime Telephone: 563-1052

Date

9-20-12

☒ I am in favor
☐ I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Anita Quintanilla

77 Sulius

☒ I am in favor
☐ I object

Your address(es) affected by this application

Quintanilla

Signature

Date

Daytime Telephone:

Comments:

MEXICAN - AMERICAN
RESIDENTS CAN NO LONGER
AFFORD TO LIVE IN THEIR
HOMES BECAUSE OF RISING
PROPERTY TAXES. THIS
IS NOT RIGHT. WE DO
NOT WANT CONDOS BUILT
FOR OUTSIDERS!

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 ½ Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Leaury Vasquez

2235 E 6th #218

Your address(es) affected by this application

2235 E 6th #218

Signature

Leaury Vasquez

Date

9/20/12

Daytime Telephone: 512-587-9971

Comments:

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Bjorn Sletth
Your Name (please print)

800 W. 38th, Apt. 117, TX 78705
Your address(es) affected by this application

☒ I am in favor
☐ I object

Daytime Telephone: _____ Signature _____ Date _____

Comments: _____

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Planning & Development Review Department
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P. O. Box 1088
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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Carmen Llanes
Your Name (please print)

4513 Elwood Rd

Your address(es) affected by this application

Carmen Llanes Signature

9/20/12 Date

Daytime Telephone: _____

Comments: _____

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City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Debbie Russell
Your Name (please print)

2311 Riverside Farms Rd.

Your address(es) affected by this application 78741

Sept. 20 2012
Date

Signature

Daytime Telephone: 512 573 6194

Comments:

Preserve community -
Support these already in it!!

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604 1700 1/2 Frontier Valley Drive
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Alan D. CAMPBELL

Your Name (please print)
15106 N. Lamar Apt. 336 Austin, TX 78751

Campbell. alan. @ gmail. com

Your address(es) affected by this application

Mr. J. Campbell

Signature

September 20, 2012

Date

Daytime Telephone: (512) 587-1603

Comments: I support affordable housing.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Jane Rivera

100 Glen Oaks 78702

Your address(es) affected by this application

Jane Rivera

Signature

Daytime Telephone: 463-2483

09/20/12
Date

☒ I am in favor
☐ I object

Comments:

If you use this form to comment, it may be returned to:

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Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Githbert R. Green
Your Name (please print)

1000 GLEN OAKS COURT
Your address(es) affected by this application

☒ I am in favor
☐ I object

[Signature]
Signature

09-20-12
Date

Daytime Telephone: *512-971-8307*

Comments: *Defensible Hearing is
NEEDED IN THE MONTAGUE &
TAIRNGHAT EAST AUSTIN.*

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Montopolis Neighborhood Plan Contact Team

October 5th, 2012

Dave Anderson, Chair
City of Austin Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

RE: Zoning Case: C14-2012-0067 - CS-NP to MF-3-NP & NPA-2012-0005.01 – CS-NP to MF-3-NP (1700 ½ Frontier Valley Drive).

Dear Chairman Dave Anderson and Planning Commissioners:

The Montopolis Neighborhood Plan Contact Team (MNPCT) held it's meeting on October 4th, 2012 at the Montopolis Recreation Center to review the Amended zoning case-C14-2012-0067 and FLUM change for the property located at 1700 ½ Frontier Valley Drive – NPA-2012-0005.01. This case was originally approved by the MNPCT on June 14th, 2012 for rezoning (CS-NP to CS-MU) and on July 30th, the MNPCT approved the FLUM from CS-NP to CS-MU. The case was amended and presented once again to the MNPCT for review. The new request was for a zoning change and FLUM change from CS-MU to MF-3-NP.

At this meeting, the MNPCT Executive Committee and other neighborhood members heard the presentation by the MWM Design Group and asked questions. After the discussion, members of the MNPCT voted to approve the zoning change of CS-NP to MF-3-NP and the FLUM change from CS-NP to MF-3-NP.

This zoning recommendation is compatible with the Montopolis Neighborhood's Plan Objective 2: Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development..... Action 4: Residential uses are recommended on the remaining undeveloped land where permissible. This zoning request complies with the Montopolis Neighborhood Plan and East Riverside Corridor Master Plan.

Sincerely,

Susana Almanza

Susana Almanza
Chair- Montopolis Neighborhood Plan Contact Team
1406 Vargas Road
Austin, TX 78741
512/428-6990

Cc: Mr. Lee Heckman
Neighborhood Planning & Zoning Department
Frank Del Castillo, Jr. MWM Design Group

Exhibit BB - 17

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Rocio Guerrero Avila
Your Name (please print)

☒ I am in favor
☐ I object

1601 Montopolis Dr.
Your address(es) effected by this application

[Signature]
Signature

10/2/12
Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Russ T. DSEDA II

Your Name (please print)

6006 Carnation Terrace

Your address(es) affected by this application

Russ T. DSEDA II

Signature

Date

10-2-12

Daytime Telephone:

Comments:

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Lee Heckman
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Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

Comments:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Claudia Lopez

☒ I am in favor
☐ I object

Your address(es) affected by this application

1118 Fairway St. Austin TX 78744

Signature

Claudia Lopez

Date

8-2-12

Daytime Telephone:

512-939-8523

Comments:

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Katherine Serrano

Your Name (please print)

6212 Palm Cir Austin TX 78741

Your address(es) affected by this application

K Serrano

Signature

Daytime Telephone: *512-704-2952*

Date

10/2/12

☒ I am in favor
☐ I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Edward Walker

☒ I am in favor
☐ I object

Your address(es) affected by this application

6300 Cicoulo Dr Austin

Edward Walker 10-2-12

Signature

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012

City Council, Sep 27, 2012

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone: 385 3001

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012

City Council, Sep 27, 2012

Mary Hernandez

Your Name (please print)

1418 Vargas RU

Your address(es) affected by this application

Mary Hernandez 10/2/2012
Signature Date

Daytime Telephone: 512-2696411

Comments:

Need more time

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Lee Heckman
Your Name (please print)

☒ I am in favor
☐ I object

6004 Cameron Trail
Your address(es) affected by this application

[Signature] *10/2/12*
Signature Date

Daytime Telephone: *(512) 300-5025*

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

RUDY CONZAR

Your Name (please print)

6200 MAR 19 01 8 T 5 L

Your address(es) affected by this application

[Signature]

Signature

10-2-12

Date

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Amber Forester
Your Name (please print)

4117 Caddiest
Your address(es) affected by this application

Amber Forester
Signature

10/2/12
Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Maria Escobedo
Your Name (please print)

6008 Carnation fern
Your address(es) affected by this application

Maria Escobedo
Signature

10-2-12
Date

Daytime Telephone: _____

Comments: _____

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Planning & Development Review Department
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P. O. Box 1088
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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Azuly Rodriguez
Your Name (please print) ☒ I am in favor
☐ I object

Azuly Rodriguez
Your address(es) affected by this application
Signature
Date
Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

ZRINIDAD PENA

Your Name (please print)

[Signature]

☒ I am in favor
☐ I object

Your address(es) affected by this application

6201 LANGHAM

Signature

Date

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Francis Hernandez
Your Name (please print)

☒ I am in favor
☐ I object

16614 Jackson Rd. Del Valle TX 77834
Your address(es) affected by this application

Francis Hernandez
Signature

Date

Daytime Telephone: *512/669-2762*

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

From: Lloyd, Brent

Sent: Thursday, September 27, 2012 7:11 PM

To: Stefan Wray

Cc: Edwards, Sue; Guernsey, Greg; Thomas, Deborah; Rhoades, Wendy

Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Mr. Wray --

Thank you for expressing your concerns regarding the Planning Commission's recommendation.

You will have further opportunity to comment on this matter as it proceeds through the standard process for council consideration of zoning cases & neighborhood plan amendments. However, Greg Guernsey is correct that the Commission's recommendation is not subject to appeal.

The code sections you cite below apply only to an "administrative decision." The Commission's recommendation on a plan amendment or a zoning case does not decide anything and is thus not an administrative decision.

Council is the sole decision-maker on these matters, and its decision is legislative rather than administrative.

Regards,

Brent Lloyd
Assistant City Attorney
(512) 974-2974

From: Guernsey, Greg

Sent: Tuesday, September 25, 2012 12:01 PM

To: Stefan Wray

Cc: Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla; Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; [Additional Commissioners]; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica; Shaw, Chad; Thomas, Deborah

Subject: Re: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Hi Stefan: I have reviewed your email and looked at the Code, but I don't see provision that allows an appeal to move forward. Other sections of the Code do make allowances for an appeal, such as an appeal of a Commission approved site plan. I don't see a provision that allows an appeal of an action by a neighborhood planning contact team, but I will consult our Law Department further regarding your appeal request. Greg

Sent from my iPhone

From: Stefan Wray

Sent: Tuesday, September 25, 2012 10:22 AM

To: Guernsey, Greg

Cc: Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla; Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; [Additional Commissioners]; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica

Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Greg,

I'm still waiting for a response to yesterday's email.

If as you suggest that the matter of the Montopolis Neighborhood Plan Contact Team's bylaws violation in connection with a letter of support for an out-of-cycle NPA application (and the subsequent forward movement of the case based on an action that should be void) is not something that can be appealed to the Planning Commission, then how can this matter be resolved? What recourse is there to address this grievance? What's the City process to handle this? What will staff do about it? Will it be dealt with or ignored?

Stefan Wray

From: Guernsey, Greg

Sent: Monday, September 24, 2012 8:35 AM

To: Stefan Wray; Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla

Cc: Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; [Additional Commissioners] Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica

Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Hi Stefan:

I am in receipt of your email; however, the City Code does not provide for an appeal of these cases. Once the Commission has made a recommendation, then the cases are scheduled for a public hearing at City Council. City Council will then make the final decision on these cases.

From: Stefan Wray

Sent: Monday, September 24, 2012 10:24 AM

To: Guernsey, Greg

Cc: Stefan Wray; Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla; Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; [Additional Commissioners] Nortey, James - BC; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica

Subject: RE: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Greg Guernsey,

My reading of the ordinance is that a public hearing is required to determine whether an act or decision is appealable, and that it is not an administrative determination.

I'm referring to this part of Section 25-1-181

"(B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision."

Furthermore, it is my understanding that this particular case may be scheduled to return to the Planning Commission on October 9 and not move directly to City Council as your email suggests.

In that instance it seems that our appeal should be heard by the Planning Commission before this case is again reviewed by the Planning Commission.

The September 27 City Council agenda for this states the following:

Exhibit CC - 3

106. NPA-2012-0005.01– La Estancia Del Rio – Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation of the future land use map (FLUM) on property locally known as 1700 ½ Frontier Valley Drive (Carson Creek Watershed) from Commercial to Multifamily Residential, as amended. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 9, 2012. Owner: Equity Secured Capital, L.P. (Vincent M. DiMare, Jr.). Applicant/Agent: MWM Design Group (Amelia Lopez). City Staff: Justin Golbabai, 974-6439.

I propose the following schedule:

Planning Commission, October 9, Public Hearing on Appeal of NPA-2012-0005.01– La Estancia Del Rio

Depending on the outcome of the appeal, the case would either be terminated, forcing the applicants to begin again, or the case would be scheduled for October 23 before the Planning Commission.

I believe what you've written to me requires further review.

Sincerely,

Stefan Wray

From: Stefan Wray

Sent: Saturday, September 22, 2012 3:18 PM

To: Guernsey, Greg; Valenti, Margaret; Meredith, Maureen; Heckman, Lee; Edwards, Sue; Ott, Marc; Kennard, Karen; Escamilla

Cc: Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William; Riley, Chris; Tovo, Kathie; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; [Additional Commissioners]; Anderson, Greg; Mormon, Andy; Harden, Joi; Williams, Nancy; Bojo, Leah; Tiemann, Donna; Gerbracht, Heidi; Leak, Erica

Subject: Notice of Appeal for Case NPA-2012.0005.01 for 1700 1/2 Frontier Valley Drive

Dear Greg Guernsey,

Please find attached a 19 page "Notice of Appeal of the 9/11/2012 Planning Commission Decision" regarding Case NPA-2012.0005.01 that was heard by the Planning Commission on September 11, 2012 for property located at 1700 1/2 Frontier Valley Drive.

As required by ordinance, this appeal is being submitted within 14 days of the September 11 Planning Commission meeting.

By email I asked staff twice for a copy of the form that is supposed to accompany a Notice of Appeal and was not given the form. I can show you that email exchange if you like. But the attached Notice of Appeal provides the same information that is required by ordinance on the form - plus more.

I request that you schedule a public hearing for this appeal at the Planning Commission meeting on October 9, 2012 and further request that you do not schedule any other hearings or take any other action on Case NPA-2012.0005.01 and its related zoning Case C14-2012-0067 until this matter is resolved.

The argument and evidence in the attached Notice of Appeal demonstrates the following:

- 1) The Montopolis Neighborhood Plan Contact Team violated its bylaws - which City ordinance requires it to maintain - with respect to a 10 day in advance meeting notification requirement for a meeting it held in June 2012 to authorize an out-of-cycle neighborhood plan amendment application.
- 2) In addition to the clear violation of the 10 day provision, there is a complete lack of clarity and disconnect between the purported agenda item and the actual decision with respect to an out-of-cycle neighborhood plan amendment application letter of support.
- 3) Based on common sense, as well as the spirit of the Texas Open Meetings Act, to which the MNPCT may or may not be held to, a decision and action that results from an improperly notified meeting as well as inadequately referenced agenda item can and should be considered to be a void decision and action.
- 4) If the MNPCT's decision and action to support an out-of-cycle neighborhood plan amendment application is void because of improper procedure, then the actual letter of support from the MNPCT to

the Planning staff is also void. This is the letter that triggers staff to accept an out-of-cycle NPA application and schedule a series of hearings.

5) By logical extension, if this initial MNPCT letter of support is void and if this letter is required by out-of-cycle NPA applications, then every subsequent decision and action that was triggered by this letter should also be void.

6) Based on the facts and what the facts mean, a logical conclusion is that the entire Case NPA-2012.0005.01 should be considered void and the applicant should need to start the process again.

Please let me know when you've made a decision to hold a public hearing for this appeal and if you have any questions or need more information.

Sincerely,

- Stefan Wray

NOTICE OF APPEAL OF THE 9/11/2012 PLANNING COMMISSION DECISION

To: Greg Guernsey, Planning and Development Review Department Director
From: Stefan Wray, Appellant and Interested Party
Pam Thompson, Appellant and Interested Party
Date: September 22, 2012
Case: NPA-2012.0005.01
Address: 1700 ½ Frontier Valley Drive
Decision: Planning Commission voted 7-1-1 to approve on September 11, 2012
Cc: Margaret Valenti, Contact Team & Education Coordinator
Maureen Meredith, Senior Planner
Sue Edwards, Assistant City Manager
Karen Kennard, City Attorney
Marc Ott, City Manager
Planning Commission Members
Mayor and City Council Members
David Escamilla, County Attorney

SUMMARY OF APPEAL

Appellants seek a public hearing to address the fact that a Neighborhood Plan Amendment case that the Planning Commission approved on September 11, 2012, started with a flawed and possibly illegal process, and therefore wish to appeal the decision to approve.

The Montopolis Neighborhood Plan Contact Team failed to follow its own bylaws, and the spirit of the Texas Open Meetings Act, with respect to meeting notification preceding its letter of support for an out-of-cycle Neighborhood Plan Amendment application. Furthermore, Planning and Development Review Department staff and the Planning Commission once apprised of this failure have not done anything to remedy the situation.

Appellants contend that the initial letter and hence the entire case should be made null and void.

STANDING TO APPEAL

Pursuant to § 25-1-131 appellants Stefan Wray and Pam Thompson are interested parties in Case NPA-2012.0005.01. Both are co-founders and directors of the Montopolis Greenbelt Association, a group “whose declared boundaries are within 500 feet of the site of the proposed development.”

§ 25-1-131 also states that a condition of standing is if “a provision of this title identifies the decision as one that may be appealed by that person.” The title is sparse with detail on what may be appealed. This appeal focuses on a defect in the Neighborhood Plan Amendment process from its onset. § 25-1-804, which deals with Application to Amend Neighborhood Plan, mentions one example when an “out-of-cycle” neighborhood plan amendment may be challenged by an applicant. This would seem to open the door to appeals by interested parties.

In § 25-1-187 in relation to appeals of plans it states that, “An approved plan or permit is suspended on the timely filing of an appeal of the plan or permit.” The implication is that the approval of a plan can be appealed, which in this instance is the Planning Commission’s approval of a Neighborhood Plan Amendment.

§ 25-1-190 states that, “The appellant must establish that the decision being appealed is contrary to applicable law or regulations.” The implication is that appellants may submit appeals based on a potential violation of law or regulation. In this instance, the appellant’s claim there is a violation of the Texas Open Meetings Act as well as of Bylaws of a City sanctioned entity.

§ 25-1-805 makes specific reference to a neighborhood contact team and states that:

“(E) The neighborhood plan contact team shall submit new bylaws or changes in existing bylaws to the director. The bylaws shall be based upon a standardized template provided by the director and shall address roles and responsibilities, boundaries, membership, decision-making, meetings and meeting notification, officers and duties, amendments to the bylaws, finances, and conflicts of interest.”

Since this title references the contact team’s bylaws it would see that contact team’s violations of its bylaws in the context of a neighborhood plan amendment process and subsequent failure by staff and planning commission members to address that problem once manifest should be a legitimate subject of an appeal.

BASIS OF THE APPEAL

As shown in the Statement of Facts and supported by the email documents in the Appendices, the Montopolis Neighborhood Plan Contact Team held two meetings in May and in June 2012 that failed to meet the MNPCT bylaw requirements for meeting notification. None of the emails announcing the meetings were sent at least 10 days in advance.

At the June meeting it was decided to write a letter of support for an out-of-cycle Neighborhood Plan Amendment application for property at 1700 ½ Frontier Valley Drive.

In addition to being out of compliance with the MNPCT bylaws for being sent in less than 10 days, the agendas themselves made absolutely no reference to the property address at 1700 ½ Frontier Valley Drive and there was no mention at all of an out-of-cycle NPA application or any mention of a neighborhood plan amendment.

If the MNPCT is subject to the Texas Open Meetings Act, this letter of support for an out-of-cycle NPA application should be void based on this improper meeting notification.

Section 551.041 of the Act provides:

A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.

The 2012 Open Meetings Handbook from the Texas Office of Attorney General says on p. 21 that “A governmental body must give the public advance notice of the subjects it will consider in an open meeting . . .” and that “Governmental actions taken in violation of the notice requirements of the Act are voidable.”

In a May 18, 2010 memo about the City’s contact teams, former City Attorney David Smith wrote the following, which is the basis for an argument that a contact team could be considered to be a governmental body that would need to comply with the Texas Open Meetings Act.

“On the other hand, the City Code does give contact teams certain rights and privileges with regard to their respective neighborhood plans. For example, contact teams may submit a letter of recommendation to the Land Use Commission on a proposed neighborhood plan amendment (25-1-805(F)); and they aid with implementation of the components and features of the neighborhood plan (25-1-801(2)).”

“And, under 25-1-804(B)(3), a contact team even has the authority to allow other entities or individuals to submit an application to the director to amend a neighborhood plan during months not otherwise allowed for such other entities or individuals.”

“These circumstances, taken in their entirety, suggest that an argument could at least be made that a contact team is a part of the City structure. The best statement of that argument is that the contact teams are created by the City Code, and they are performing neighborhood planning services for the City, at the request of the City, within parameters defined under City Code”

http://austintexas.gov/sites/default/files/files/Planning/npct_legal_standing_memo.pdf

By being part of the City structure, Smith gives credence to an argument that the contact teams are governmental bodies. Another point to consider with this is that the City's boards and commissions are required to comply with TOMA even though they may or may not be legally bound to do so. This is precedent for the contact teams being considered subject as well.

Even if the MNPCT is not subject to the Texas Open Meetings Act, based on the MNPCT's bylaws alone there was a clear violation. The bylaws do not spell out a specific recourse to take when a bylaw is breached. But surely the City would not want to ignore this transgression.

Nevertheless, despite relevant staff in the Planning and Development Review Department and members of the Planning Commission being informed in writing (*See Appendix F*) and verbally about the problems with these May and June meetings there has been no acknowledgement from staff or members that this is even an issue.

It seems if there is an acknowledgement and acceptance of the facts about the improper meeting notification, then it draws into question the NPA out-of-cycle letter of support from the MNPCT contact team. This in turn draws into question the entire rest of the process that followed up to and including the September 11, 2012 Planning Commission meeting.

In fact this line of questioning is what should happen. It is what this appeal is asking to be done.

If this case is allowed to stand, it will send a message that the City doesn't care how its contact teams are managed. The message will be that contact teams can violate their own bylaws and the spirit of the Texas Open Meetings Act.

STATEMENT OF FACTS

On May 14, 2012, Susana Almanza, then Vice-President (technically Vice Chair) of the Montopolis Neighborhood Plan Contact Team (MNPCT), sent an email to some MNPCT members with the subject line: "Next MNA and MNPCT meeting." This email announced an MNPCT meeting on May 21, 2012. (*See Appendix A*).

The May 14 email was sent 7 days before the MNPCT meeting, not 10 days are required by the MNPCT Bylaws (*See Appendix B*). Regarding meeting notification the MNPCT Bylaws state:

- A. All meetings will be publicized in the neighborhood using whatever reasonable means that is available. **Notices shall be distributed not less than 10 days before the meeting date.**

Then on May 20, 2012, the MNPCT Vice-President sent another email with the actual meeting agenda (*See Appendix C*). This meeting notification with an agenda was sent 1 day before the meeting, thus violating the MNPCT Bylaws regarding meeting notification.

Although it is later claimed that the case involving property at 1700 ½ Frontier Valley Drive was discussed at the May 21 meeting, the agenda sent by email 1 day before the meeting does not make that clear. One of agenda items in the email was the following:

- 1) Rezoning on Vargas property.

I submit that there is no way that a reasonable person could have known that this agenda item #1 was referring to the property at 1700 ½ Frontier Valley Drive.

On June 8, 2012, the MNPCT Vice-President sent by email notification a meeting notice for a MNPCT meeting on June 14, 2012 (*See Appendix D*). This was 6 days before the actual meeting, not 10 as required by the Bylaws.

The meeting notice said the MNPCT would be "making a decision on the future property development at 6716 E. Riverside Drive." There was no mention of 1700 ½ Frontier Valley Drive, nor any mention of an out-of-cycle Neighborhood Plan Amendment application.

Then on June 12, 2012, the MNPCT Vice-President sent an actual agenda for the June 14 MNPCT meeting (*See Appendix E*). This was 2 days before the meeting. The only item on the agenda referencing anything to do with a zoning case is this one:

1. Vote on new development for 6716 E. Riverside Drive – zoning request

Again, in this email meeting notification for the MNPCT meeting on June 14 there was no mention of the property at 1700 ½ Frontier Valley Drive, nor was there any mention that at the meeting there would be a discussion and action on an out-of-cycle NPA application.

However, on June 19, 2012, 5 days after the June 14 meeting, Susana Almanza, now Chair of the MNPCT sent a letter to Maureen Meredith of Neighborhood Planning & Zoning Department that stated, “The Montopolis Neighborhood Plan Contact Team (MNPCT) held it’s meeting on June 14th, 2012 at the Montopolis Recreation Center to review the rezoning of property located at 1700 Frontier Valley.” (See attached folder for this case at

https://www.ci.austin.tx.us/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=10787266)

In addition, the June 19 letter said, “The MNPCT also approved the rezoning of the property to move forward in the out of cycle process.”

It is worth noting that in the attached folder to this case the document titled “Out-Of-Cycle Neighborhood Plan Amendment Verification Form” was signed by Maureen Meredith and dated June 11, 2012. This is 3 days before the MNPCT meeting when this matter was discussed and 8 days before the above mentioned letter was sent by the MNPCT Chair.

On August 21, 2012, Stefan Wray participated in a quarterly Contact Team meeting hosted by Margaret Valenti, the City’s Contact Team & Education Coordinator, and also discussed some issues MNPCT meetings with respect to Bylaws violations.

On August 22, 2012, Stefan Wray, the interested party, sent copies of the emails in *Appendix A, C, D, and E* to Margaret Valenti. He received no response and no response to a subsequent email.

On August 22, 2012 also sent an email with copies of the MNPCT meeting announcement emails from May and June 2012 to all Planning Commission members, to Greg Guernsey, Planning and

Development Review Department Director, and to Maureen Meredith, to Jerry Rusthoven, and Lee Heckman, all in the Planning and Development Review Department (*See Appendix F*).

On August 28, 2012, Stefan Wray spoke before the Planning Commission and alerted the commission that there had been defects in the process regarding this NPA case.

On September 11, 2012, Susana Almanza, Chair of the MNPCT addressed the Planning Commission and along with a Powerpoint presentation said that there were meetings about the 1700 ½ Frontier Valley Drive property starting in May (*See Appendix H*).

On September 11, 2012, Stefan Wray sent an email to Margaret Valenti, the Contact Team & Education Coordinator with a series of questions that pertain directly to the facts outlined so far in this document. These questions were:

- 1) If it is discovered after the fact that there was improper notice for a Contact Team meeting at which meeting the Contact Team approved an out of cycle Neighborhood Plan Amendment application, what then can be done?
- 2) Can the out-of-cycle application be deemed to be invalid and the applicant asked to start the process again?
- 3) If the City accepts the letter from the Contact Team, is it in effect then condoning or validating a flawed and improper process?
- 4) Therefore so as to invalidate a flawed and improper process, wouldn't it seem appropriate to invalidate the application?
- 5) What mechanism or procedure is there at the City for challenging the validity of Contact Team's letter of support for an out-of-cycle NPA?
- 6) How can this grievance be addressed?

To date none of these questions have been answered.

APPENDIX A

From: PODER Austin, Texas [Non Public Email Address] [Hide](#)
Subject: Next MNA & MNPCT Meeting
Date: May 14, 2012 9:02:05 AM CDT
To: [Non Public Email Address] [Non Public Email Address]
[Non Public Email Address] [Non Public Email Address]

Hello Montopolis Residents - Please mark your calendar for a very important community meeting on Monday, May 21st at the Montopolis Recreation Center at 6 pm. Thank you, Susana Almanza

Will send agenda items later, if you have any items to place on the agenda please let me know.

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

APPENDIX B

The Montopolis Neighborhood Plan Contact Team By-laws

Section 1 – Name

- A. This organization shall be known as the Montopolis Neighborhood Plan Contact Team (MNPCT).

Section 2 - Statement of Purpose

- A. The purpose of the MNPCT is to uphold the implementation of the plan's vision, goals and recommendations, and to discuss and provide a recommendation to City Staff, Planning Commission and City Council on any proposed neighborhood plan amendments that are text, map changes or any other planning initiatives, ordinances and other relevant matters affecting the Montopolis Neighborhood Planning Areas. The Contact Team/Planning Team may also submit an application to the Director of Neighborhood Planning & Zoning Department to amend a neighborhood plan at any time.
- B. The objective of the MNPCT is to improve the quality of life in Montopolis by creating and preserving affordable homes for all stages of life, improving transportation connections and neighborhood safety, ensuring compatibility, enhance and enliven streetscape, and respect the diverse character through land use and zoning decisions.

Section 3 - Boundaries

North: Grove
South: Ben White
East: Bastrop Highway
West: Grove

Section 4 - Membership of the MNPCT Neighborhood Plan Contact Team

- A. MNPCT membership shall be open to anyone who lives or owns property or operates a business within the boundaries of the neighborhood planning area.
 - I. As per city Ordinance# 20080306-073 each established contact team must have, at minimum, the following groups represented on the team:
 - a) Property owners;
 - b) Non-property owner residents (renters);
 - c) Business owners;
 - d) Neighborhood associations;
- B. No member shall purport to represent the MNPCT unless authorized to do so by the Executive Committee. (See Section 8 and 9)
- C. Each member of the contact team shall be provided a copy of the adopted MNPCT by-laws.

- D. MNPCT will consist of an executive committee and general membership.
- E. A current list of the executive committee and general membership and the above mentioned groups they represent of the MNPCT shall be submitted annually to the Neighborhood Planning and Zoning Department.

Section 5 - Decision Making

- A. Consensus based decision by the MNPCT membership will only be allowed if a quorum of the executive committee is present.

Section 6 - Meetings

- A. The Montopolis NPCT shall meet at least once per year to elect officers.
- B. Meetings shall be held when an application to amend the Montopolis Neighborhood Plan has been submitted to the City of Austin, or when other relevant matters affecting the Montopolis Neighborhood Planning area need to be addressed. For example; new planning initiatives, or ordinances or request for information from City Departments.
- C. The MNPCT shall meet at least quarterly.
- D. Unless otherwise noticed all meetings will be held at either the Ruiz Library or the Montopolis Recreation Center.
- E. Special meetings of the MNPCT may be called by the executive committee. A member of the general membership may request a special meeting by asking any member of the executive committee.
- F. MNPCT meetings shall be open to the public. Community stakeholders are invited to participate in the discussion of the matters at hand, but only qualified decision makers of the MNPCT are eligible to participate in decision making. (See Section 4A1)
- G. Meeting summaries and sign-in sheets, as a record of attendance, must be kept for all meetings of the MNPCT and shall be forwarded to the Neighborhood Planning and Zoning Department upon request.
- H. Meeting discussions will be conducted in a conversational format with special regard for a dialogue that is respectful and considerate of all members in attendance.

Section 7 - Meeting Notification

- B. All meetings will be publicized in the neighborhood using whatever reasonable means that is available. Notices shall be distributed not less than 10 days before the meeting date.
- C. Failure to receive a meeting notice does not invalidate the meeting. However, the provisions of this section must be complied with in good faith.

Section 8 - Executive Committee

- A. The executive committee shall be composed of 3 officers and 4 at large positions.
- B. The executive committee shall be responsible for the management of the affairs of the MNPCT. The duties shall include updating the annual membership list, holding MNPCT meetings, conducting elections as called for in the by-laws, and representing the MNPCT in communications with the City of Austin. It shall also act for the MNPCT in matters specifically delegated to it. It may act for the MNPCT between regular meetings on any matter determined urgent by the executive committee. Any such action shall be reported at the next regular meeting of the MNPCT and none of its actions shall conflict with actions taken or policies formulated by the MNPCT.
- C. Sector liaisons may be appointed at the discretion of the executive committee.

Section 9 —Officers and Duties of the Executive Committee

- A. The officers of the MNPCT executive committee shall be, at a minimum: Chair, Vice-Chair, and Secretary.
- B. Duties of the officers are as follows:
 - 1. The Chair shall be responsible for the operation of the MNPCT and its officers pursuant to these by-laws. This shall include conducting meetings, representing the team at official functions, appointing subcommittees, and generally overseeing the business of the MNPCT. The Chair shall have the primary responsibility for coordinating with the City of Austin Implementation Planner on the implementation items in the adopted Neighborhood Plan.
 - 2. The vice-chair shall assist the Chair in preparing meeting agendas and conducting meetings and shall assume all duties of the Chair when required.
 - 3. The secretary shall maintain all written records as required by the City of Austin as well as all written records noted in section 6G. The secretary shall maintain all attendance records including current addresses and voting status of voting members.

Section 10 —Nomination, Election, and Terms of Officers

- A. The membership of the MNPCT shall nominate one or more eligible voting candidates from the MNPCT for each office for the coming year. All candidates must be qualified voting members of the MNPCT.
- B. Officers will be elected by the MNPCT voting members by a simple majority vote as per Roberts Rules of Order.
- C. There will be staggered terms for officers using the following schedule: First terms for officers are defined as three (3) years for the Chair, two (2) years for the Vice-Chair and one (1) year for the secretary. Subsequent terms for all positions are two (2) years. At-large positions are for two (2) years.
- D. The secretary will notify the Neighborhood Planning and Zoning Department in writing of the names of the newly elected officers, their contact information, and the date they are due to take office.

Section 11 —Removal and Vacancies of Officers

- A. Any elected officer may be recommended for removal for not fulfilling their duties as per Section 9B. Removal shall be debated by the MNPCT and shall (require a two-thirds vote of members eligible to vote as per Section 4A1 and present at a meeting of the MNPCT, providing that a resolution proposing the consideration of the removal has been adopted at a preceding meeting and that notice of the vote for removal has been included in the call to the meeting at which the vote shall take place.
- B. Should vacancies occur outside the normal election process, candidates for the unfilled term shall be nominated from the floor and elected at the next scheduled meeting following the vacancy. The person elected to the vacated office will serve for the remainder of the term.

Section 12—Committees

- A. The MNPCT Chair, with the approval of the Executive Committee, may appoint project based standing committees to help conduct the business of the MNPCT. The Chair of a standing committee will serve as a voting member of the Executive Committee.
- B. The MNPCT Chair with the approval of the Executive Committee, may appoint ad-hoc committees or subcommittees to help conduct specialized business of the MNPCT.
- C. Committees shall report to the MNPCT and these reports shall be entered into the minutes or meeting summaries
- D. Committees can be standing or ad-hoc in nature.

Section 13—Amendments

- A. These by-laws may be amended by a two-thirds majority vote of those present at a regular MNPCT meeting, providing that a resolution proposing the amendment has been adopted at a preceding regular meeting and that notice of the proposed amendment has been given in the call for the meeting at which the amendment shall be voted upon.

Section 14—Effective Date

- A. These by-laws of the Montopolis Neighborhood Plan Contact Team shall become effective on August 13, 2009.

Section 15—Conflict of Interest

- A. If a voting member of the MNPCT or immediate family has an interest in a development that requires a plan amendment, the member must follow these rules:
 - 1. If a member has a *substantial interest* (see below) in a project, the member cannot participate in any decision or voting concerning the project, including the decision of the MNPCT to recommend an application for a plan amendment or the decision to support or not support the project.
 - 2. If a member has a substantial interest in a proposed project, the member must disclose this interest at the time a plan amendment application is discussed and at the time the recommendation letter for the project is submitted to the Director of the Neighborhood Planning and Zoning Department.
 - 3. A member with a substantial interest in a project may participate in the *discussion* regarding the proposed change. However, participating in the voting or decision regarding that change is disallowed.

Substantial interest can mean:

- 1. A person owns at least a part of or is invested in the property, or the business developing the property.
- 2. If a person has worked for someone involved in the project over the past year.
- 3. If the person has a business that would directly benefit from the project.
- 4. If the person serves on the board of directors, corporate officer, or any other board overseeing the project.
- 5. If the person owes money to anyone involved in the project.

APPENDIX C

From: PODER Austin, Texas [Non Public Email Address] [Hide](#)
Subject: Monday May 21st @ 6 pm meeting
Date: May 20, 2012 12:31:58 PM CDT
To: [Non Public Email Address] [Non Public Email Address]
[Non Public Email Address] [Non Public Email Address] [Non Public Email Address]

Hello Montopolis Neighborhood Members: Please mark your calendars for the next Montopolis Neighborhood Meeting. It will be held on Monday, May 21st at the Montopolis Recreation Center, 1200 Montopolis Drive from 6 – 7:30 pm.

- 1) Rezoning on Vargas Property
- 2) Review Montopolis list priorities
- 3) Updates & Announcements
 - New Montopolis Recreation Center-Bond Initiative
 - 24 Acres of donated land & study area
 - Economic Growth & Redevelopment for Montopolis
 - Elections for MNPCT

I suggest that we add installing traffic light at Montopolis Drive & Fairway intersection as one of our priorities. Please bring your priorities to meeting and email me, if you will not be able to attend.

. Thank you, Susana Almanza, President MNA & Vice-President MNPCT

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P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org

APPENDIX D

From: PODER Austin, Texas [Non Public Email Address] Hide
Subject: Thursday, June 14th Meeting MNPCT & MNA
Date: June 8, 2012 8:18:03 AM CDT
To: [Non Public Email Address] [Non Public Email Address]
[Non Public Email Address] [Non Public Email Address] [Non Public Email Address]

Hello Montopolis Residents- Please mark your calendar for our next meeting on Thursday, June 14th at 6:30 pm at the Montopolis Recreation Center. We will be having an update and making a decision on the future property development at 6716 E. Riverside Drive. An update report from the
a. Montopolis Tributary Trail Association, b. Montopolis Little League, c. Roy Guerrero Park. Election of Larry Gross for Vice-President of MNPCT and new business. Thankyou, Susana Almanza, MNPCT & MNA

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APPENDIX E

From: PODER Austin, Texas [Non Public Email Address] Hide
Subject: Thursday, June 14 @ 6:30 pm MNA & MNPCT Meeting
Date: June 12, 2012 11:21:59 AM CDT
To: [Non Public Email Address] [Non Public Email Address]
[Non Public Email Address] [Non Public Email Address]

Montopolis Neighborhood Plan Contact Team and Montopolis Neighborhood Association Meeting
Thursday, June 14th at 6:30 pm at the Montopolis Recreation Center

-
Agenda:

1. Vote on new development for 6716 E. Riverside Drive – zoning request
2. Election of President & Vice- President of MNPCT – Susana Almanza & Larry Gross
2. Update on Montopolis Tributary Trail
3. Update on Opening date for Roy Guerrero Playground Park
4. Update on Montopolis Little League Baseball Fields & Vasquez Fields
5. Update on Montopolis Recreation Center Advisory Board
6. Discussion on Neighborhood Partnering Program
7. New Business

--
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APPENDIX F

From: **Stefan Wray**
Subject: **Source of Montopolis Confusion about 1700 1/2 Frontier Valley Drive**
Date: August 22, 2012 9:47:44 PM CDT
To: **[Commissioners] [Commissioners] [Commissioners] [Commissioners] [Commissioners]**
[Commissioners] [Commissioners] [Commissioners] [Commissioners] and [3 more...](#)
Cc: Lee Heckman, Maureen Meredith, Greg Guernsey, Jerry Rusthoven

Hide



Planning Commission Members and City Staff,

I'm reviewing previous emails from the Montopolis Neighborhood Plan Contact Team leadership I am discovering a source of confusion and reasons why some people in the community were not well informed or didn't hear about this case until July 30 just a few weeks ago.

In an agenda sent to 20 people on May 20, the MNPCT Chair refers to this item as "1) Rezoning on Vargas Property" (See below)

In an agenda sent to 20 people on June 12, the MNPCT Chair refers to this as "1. Vote on new development for 6716 E. Riverside Drive - zoning request" (See below)

In an agenda send on to 20 people on July 24, the MNPCT Chair wrote, "1. The Cesar Chavez Foundation wants to rezone the property at 1700 1/2 Frontier Valley to allow them to construct affordable apartments.

And then finally the official information from the City refers to the 1700 1/2/ Frontier Valley address but mentions Owner Equity Secured Capital L.P. and MWM Design Group.

So you might hear people telling you the community has known about this case for 3 months and that there has been ample time for discussion and reflection ... but ...

You cannot tell me that a reasonable person who received the agendas on May 20, June 12, and July 24 could believe these were all about the same case unless they had been to all three meetings.

- Stefan Wray

On May 20, 2012, at 12:31 PM, PODER Austin, Texas wrote:

Hello Montopolis Neighborhood Members: Please mark your calendars for the next Montopolis Neighborhood Meeting. It will be held on Monday, May 21st at the Montopolis Recreation Center, 1200 Montopolis Drive from 6 – 7:30 p.m.

- 1) Rezoning on Vargas Property
- 2) Review Montopolis list priorities
- 3) Updates & Announcements
 - New Montopolis Recreation Center-Bond Initiative
 - 24 Acres of donated land & study area
 - Economic Growth & Redevelopment for Montopolis
 - Elections for MNPCT

APPENDIX G

From: Stefan Wray
Subject: Invalidating an Out of Cycle NPA Application
Date: September 11, 2012 11:46:53 PM CDT
To: Margaret Valenti
Cc: Greg Guernsey, sue.edwards@austintexas.gov, marc.ott@austintexas.gov

[Hide](#)



Hello Margaret Valenti,

If it is discovered after the fact that there was improper notice for a Contact Team meeting at which meeting the Contact Team approved an out of cycle Neighborhood Plan Amendment application, what then can be done?

Can the out-of-cycle application be deemed to be invalid and the applicant asked to start the process again?

In a real example my definition of improper notice means:

- 1) The first email notice was 8 days before the meeting not 10 as required by the Bylaws
- 2) The first email notice was more of a mark your calendar type notice
- 3) The second email notice with an agenda was sent 2 days before the meeting
- 4) There was no agenda item with same address as the property being asked to be out of cycle
- 5) There was no agenda item stating anything about an out of cycle plan amendment or out of cycle anything

These facts are clear. I will show you the emails prior to the meeting and the letter from the Contact Team President after the meeting.

If the City accepts the letter from the Contact Team, is it in effect then condoning or validating a flawed and improper process?

Therefore so as to invalidate a flawed and improper process, wouldn't it seem appropriate to invalidate the application?

What mechanism or procedure is there at the City for challenging the validity of Contact Team's letter of support for an out-of-cycle NPA?

How can this grievance be addressed?

- Stefan Wray

APPENDIX H

1700 ½ Frontier Valley

Meetings Held with Applicants on Case:

- **May 21st, 2012**
- **June 14th, 2012**
- **July 30th, 2012**
- **September 4th, 2012**

Slide from PowerPoint Presentation by MNPCT Chair Susana Almanza
Shown at September 11, 2012 Planning Commission meeting

From: Meredith, Maureen
Sent: Tuesday, September 18, 2012 1:27 PM
To: Stefan Wray; Rhoades, Wendy
Cc: Heckman, Lee
Subject: RE: Request Form for Appeal

Stefan:
Attached is the whole ordinance.

If you look at (C) (1) it states, "The director may accept an application regarding an individual property at a time other than as provided in Subsection (B) if the director determines that: (1) prohibiting the filing would result in a hardship to the applicant".

So the appeal that you mention is for the applicant to appeal to the planning commission in the event the director denies the hardship filing.

Maureen

From: Stefan Wray
Sent: Tuesday, September 18, 2012 1:19 PM
To: Rhoades, Wendy
Cc: Heckman, Lee; Meredith, Maureen
Subject: Re: Request Form for Appeal

Wendy,

I'd like to have a copy of the form referenced in 25-1-183 please.

Section 25-1-804 (D) Application To Amend Neighborhood Plan which states, "An applicant may appeal a decision of the director under Subsection (C)(1) to the Planning Commission" is at least one exception to what you've stated below.

Isn't it true that ultimately the matter of what may or may not be appealed is decided at a public hearing to determine standing as noted in Section 25-1-181?

From: Rhoades, Wendy
Sent: Tuesday, September 18, 2012 12:33 PM
To: Stefan Wray
Cc: Heckman, Lee; Meredith, Maureen
Subject: RE: Request Form for Appeal

Stefan,

Section 25-1-183 referenced below applies to permits, such as subdivisions, site plans and building permit. An application for a zoning change is not considered a permit, that is, additional development processes, such as site plan, construction plans and building permits must have City approval subsequent to zoning and prior to beginning construction on the site.

An objection to a rezoning application is covered by Section 25-2-284 - Requirement for Approval of Three-Fourths of Council of the Code. Lee has sent the correct information and petition form.

Wendy

From: Stefan Wray
Sent: Tuesday, September 18, 2012 11:29 AM
To: Heckman, Lee
Cc: Stefan Wray; Meredith, Maureen; Rhoades, Wendy
Subject: RE: Request Form for Appeal

Lee Heckman,

I'm asking about the form referenced in § 25-1-183. What you sent is something else.

- Stefan Wray

§ 25-1-181 STANDING TO APPEAL.

(A) A person has standing to appeal a decision if:

- (1) the person is an interested party; and
- (2) a provision of this title identifies the decision as one that may be appealed by that person.

(B) A body holding a public hearing on an appeal shall determine whether a person has standing to appeal the decision.

Source: Section 13-1-250; Ord. 990225-70; Ord. 030828-65; Ord. 031211-11.

§ 25-1-182 INITIATING AN APPEAL.

An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision.

Source: Section 13-1-251(a); Ord. 990225-70; Ord. 031211-11.

§ 25-1-183 INFORMATION REQUIRED IN NOTICE OF APPEAL.

The notice of appeal must be on a form prescribed by the responsible director or building official and must include:

- (1) the name, address, and telephone number of the appellant;
- (2) the name of the applicant, if the appellant is not the applicant;
- (3) the decision being appealed;
- (4) the date of the decision;
- (5) a description of the appellant's status as an interested party; and
- (6) the reasons the appellant believes the decision does not comply with the requirements of this title.

From: Heckman, Lee
Sent: Tuesday, September 18, 2012 9:00 AM
To: 'Stefan Wray'; Meredith, Maureen
Cc: Wendy Rhoades
Subject: RE: Request Form for Appeal

Mr. Wray:

Please see the following link for petition information and form.

http://austintexas.gov/sites/default/files/files/Planning/Applications_Forms/Zoning_Petition.pdf

If I can be of further assistance, please contact me.

Lee Heckman, AICP
City of Austin
Planning & Development Review Dept.
One Texas Center
505 Barton Springs Road, 5th Fl
Austin, Texas 78704

Tel: 512 – 974 – 7604
Fax: 512 – 974 – 6054
Email: lee.heckman@austintexas.gov

From: Stefan Wray
Sent: Monday, September 17, 2012 7:19 PM
To: Heckman, Lee; Meredith, Maureen
Cc: Rusthoven, Jerry
Subject: Request Form for Appeal

Hello Lee and Maureen,

Will either of you please send me a PDF copy of the form referenced in **§ 25-1-183 INFORMATION REQUIRED IN NOTICE OF APPEAL** which says "The notice of appeal must be on a form prescribed by the responsible director or building official and must include: . . ."

Thank you,

Stefan

From: Stefan Wray

Sent: Thursday, October 04, 2012 12:16 AM

To: Golbabai, Justin; Heckman, Lee

Cc: [Commissioners]; Guernsey, Greg; Rusthoven, Jerry; Valenti, Margaret; Edwards, Sue; Meredith, Maureen

Subject: Request to Postpone 1700 1/2 Frontier Valley Case on PC Oct. 9 agenda

Dear Justin Golbabai and Lee Heckman,

I'm sorry to bring to your attention yet another issue with the Montopolis Neighborhood Plan Contact Team.

On September 30, I wrote a complaint to the MNPCT Chair Susana Almanza alleging that the meeting notification and agenda for the Oct. 4 MNPCT meeting violated Section 25-1-801(2) which states that "the contact team is a separate body apart from any other . . ." (see below).

The problem is that the MNPCT has been combining its meetings with the Montopolis Neighborhood Association (MNA) meetings. According to other staff in the Planning and Review Dept. there is nothing wrong with the MNPCT holding a meeting on the same evening and at the same location as the MNA meetings. But there need to be separate meeting notifications, separate agendas, separate sign in sheets, and separate minutes, as well as a clear demarcation between when one meeting begins and the other ends.

Whereas some MNPCT members suggested that the Chair should ignore my complaint, Director Greg Guernsey and Margaret Valentii did not. They will be meeting with the MNPCT Chair some time next week or the following week to discuss.

I've asked the MNPCT to consider not meeting on Oct. 4 until this and other matters are addressed between the MNPCT Chair and City Staff.

The reason for postponing the 1700 1/2 Frontier Valley case is because this case is also on the agenda of the Oct. 4 MNPCT meeting that has been called into question.

If COA staff agree that it is an improperly called meeting, i.e. a defect in the process, then by logical extension any decisions or recommendations coming out of that meeting are void.

It is worth waiting and to put this all on hold until there can be some resolution at the MNPCT level.

I suppose you could argue that what the MNPCT does or doesn't do is not relevant to the Planning Commission process, but that hasn't been the recent history. This zoning and NPA case started at the MNPCT level.

Exhibit DD-1

- Stefan Wray

Begin forwarded message:

From: Stefan Wray

Subject: COA Staff to meet with MNPCT Chair to discuss improper Joint MNPCT & MNA Meeting Notice and other issues

Date: October 3, 2012 10:44:55 PM CDT

To: Texas PODER Austin,,,, Angelica Hernandez, Candace Carpenter, Corazon Renteria, Fred McGhee, Gabriel Vega, Georgia Steen, Israel Lopez, Joey Rodriguez, Joshua Collier, Librado, Pam Thompson, Pat Johnson, Theresa Mendoza, Angelica Noyola, millie muniz, Diana Gomez, Michelle Rojas, Jackson Marilyn

Cc: Greg Guernsey, Margaret Valenti, Amelia Lopez, Frank Del Castillo, "A. Ron Thrower"

MNPCT Executive Board and others,

City of Austin's Director of Planning and Development Review Greg Guernsey and Contact Team Coordinator Margaret Valenti are going to meet with MNPCT Chair Susana Almanza to discuss the issue of dual meetings and other irregularities.

But this meeting won't be happening until next week.

Doesn't it make sense to see what the City says about dual MNA MNPCT agendas, notifications, meetings, etc and other issues before proceeding with another MNPCT meeting?

- Stefan Wray

Begin forwarded message:

On Sun, Sep 30, 2012 at 9:34 AM, Stefan Wray <stefan@iconmedia.org> wrote:

To: Susana Almanza, MNPCT Chair

From: Stefan Wray, MNPCT Member

Date: September 30, 2012

Re: Joint MNPCT & MNA Meeting Violates City Ordinance

City Ordinance states that "The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization." See reference below.

Exhibit DD-2

The meeting notification, below and attached, for the October 4 2012 meeting calls it a "Montopolis Neighborhood Plan Contact Team and Montopolis Neighborhood Association Meeting" and it is joint agenda.

It appears that having a joint or combined meeting of the Montopolis Neighborhood Plan Contact Team and the Montopolis Neighborhood Association violates the definition of a contact team as noted in Section 25-1-801(2).

It would seem that the validity of any decisions made at a meeting that violates a City Ordinance may be called into question.

I am requesting that this October 4 meeting be rescheduled for a later date and that a new separate 10 day notification be sent for a separate meeting of the Montopolis Neighborhood Plan Contact and that a separate meeting notification be sent for a separate Montopolis Neighborhood Association meeting.

ARTICLE 16. NEIGHBORHOOD PLAN AMENDMENTS.

§ 25-1-801 DEFINITIONS.

In this article:

(1) DIRECTOR means the director of the Planning and Development Review Department

(2) NEIGHBORHOOD PLAN CONTACT TEAM means the individuals designated to implement an adopted neighborhood plan. The neighborhood plan contact team is a neighborhood organization that qualifies as an interested party for purposes of notice, appeal, and other processes if all other qualifications for interested party status are satisfied. **The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization.**

On Sep 19, 2012, at 4:55 PM, PODER Austin, Texas wrote:

Montopolis Residents- Please mark your calendar to attend the next Montopolis Neighborhood Contact Team and Montopolis Neighborhood Association Meeting on **Thursday, October 4th, 2012 at 6 pm at the Montopolis Recreation Center.**

Agenda:

1. Approval of July 30th, 2012 Minutes
2. Amendment for FLUM (Future Land Use Map) & Zoning for case C14-2012-0067 & NPA-[2012-0005.01](#) from CS-MU to Multifamily (MF-3). 1700 ½ Frontier Valley Drive

3. Review & make decision on case NPA-2012-005.03 - 7003 East Riverside Drive to Change future land use map (FLUM) from Single Family to Multifamily (applicant will be invited to present)

4. Update on Montopolis Greenbelt

5. Update on Roy Guerrero Colorado River Park Playground

6. Review Neighborhood Partnering Grant- Joey Rodriguez

7. Strategies for passage of Bond Initiative for new Montopolis Recreation Center

8. Roy Guerrero Park Cleanup- J. Zac Tolbert

p.s. please forward email to others in your neighborhood association and/or HOA

--

PODER

P.O. Box 6237

Austin, TX 78762-6237

www.poder-texas.org

<MNPCT Meeting Oct 4th, 2012.doc>

From: Stefan Wray

Sent: Thursday, October 04, 2012 11:26 PM

To: [various Chavez Foundation addresses]

Cc: Leffingwell, Lee; Cole, Sheryl; Spelman, William; Riley, Chris; Morrison, Laura; Tovo, Kathie; Martinez, Mike [Council Member]; Ott, Marc; Edwards, Sue; Guernsey, Greg; Valenti, Margaret; [Commissioners] Golbabai, Justin; Meredith, Maureen; Heckman, Lee; Amelia Lopez; Frank Del Castillo

Subject: Report on a Montopolis Meeting to the Cesar Chavez Foundation

To: Paul Chavez, Chairman, Board of Directors, Cesar Chavez Foundation
Tanis Ybarra, Board Member Cesar Chavez Foundation
Eva Vasquez-Camacho, Board Member Cesar Chavez Foundation
Juanita Valdez Cox, Board Member Cesar Chavez Foundation
Leticia Maldonado-Stamos, Board Member Cesar Chavez Foundation
Roberto de la Rosa, Board Member Cesar Chavez Foundation
Luis Conde, Board Member Cesar Chavez Foundation
Manuel Bernal, Board Member Cesar Chavez Foundation
Daniel Ortega, Board Member Cesar Chavez Foundation
Alfredo Izmajtovich, Executive Vice President

Cc: City Council, City Staff, Planning Commission
MWM Design

Date: October 4, 2012

Re: Report on a Montopolis Meeting to the Cesar Chavez Foundation

Dear Paul Chavez

I decided to go to the Montopolis neighborhood meeting even though questions had been raised about the meeting's legitimacy. I wanted to see what would happen plus my wife was on the Executive Committee and I didn't want her to go alone.

At 6:00 there were a number of people on the second floor of the Montopolis Recreation Center. I went back out to the car to get something.

On the way back in a Hispanic man who is on the Executive Committee of the Montopolis Neighborhood Plan Contact Team said to me, "Not quite white . . . If you were in Tarrytown you'd be white trash. . . You live in a cardboard shack." I told him that was a disrespectful comment and he said "You don't know me. Move along."

When I went back inside it was close to 6:20 before the meeting started. Some had been busy on the mobile phones trying to get more to show up at the meeting. It was evident at the onset that there were enough there to vote down the Cesar Chavez Foundation's proposed affordable housing plan at 1700 1/2 Frontier Valley Drive.

Finally the meeting was called to order by the chair Susana Almanza. The first business was to introduce the Executive Committee members. My wife Pam Thompson was the last Executive Committee member to speak.

She stood up and said, pointing to the same Hispanic man who had just disparaged me when i was outside, that he had said insulting things to her when he passed her to sit down - things that she did not want to repeat and that other Executive Committee members had just heard but said nothing about. She resigned from the Executive Committee on the spot and joined me in the back of the room.

Later at home I received a text from Larry Gross another Executive Committee member who said he had just submitted his letter of resignation to both the Montopolis Neighborhood Plan Contact Team and the Montopolis Neighborhood Association.

The case for 1700 1/2 Frontier Valley was the first item on the agenda. Amelia Lopez and Frank del Castillo of MWM Design presented some new information about the case because the zoning request was being changed from CS MU to MF.

On queue as this item began to be discussed a troupe of young men who had been playing basketball on the court on the first floor entered the room and lined the wall and stood in the back. There were more than 15 of them.

It was so obvious that they had been coaxed to join the meeting in order to cast votes. This was amazing to me. I'd never actually experienced such flagrant cheating at a community meeting.

It is very clear that if the meeting had started on time and that if the young men from the basketball court had not been summoned in to vote that the proposal would have failed. There were definitely enough residents of the Arbor Condos and Frontier at Montana and other parts of Montopolis to vote this down.

I really wish that there had been a City staff person to monitor the meeting. We had asked.

I don't see how this vote can be seen as valid. This was a fraud, a hoax. I can't believe that whomever orchestrated this would stoop to this level.

When I went home I wondered to Pam what would have Cesar Chavez thought of this meeting. What would we he say about a fellow HIspanic employing racist and insulting language against his white neighbors? Would he approve of the blatant cheating to stack a vote?

The Cesar Chavez Foundation may believe they are doing good with their plan to bring additional affordable housing to our neighborhood. But their plan, without them even knowing it, but with others acting on their behalf, is having an end result of widening rifts and causing ill will.

When Pam and I left the meeting -- we didn't want to stay for the whole thing -- we stood out in the parking lot of the rec center and spoke with our neighbors. Pam innocently waved, or acknowledged, someone who was driving by who had been one of the supporters. This almost ended in an altercation.

We left both being aghast and amazed. In our entire lives of being involved with politics and community organizations we had never experienced anything like this. We couldn't believe that Susana would manage a meeting like this. So many people outside of our neighborhood, elsewhere, know and respect her work. But don't see how these meetings are run.

I'm trying to imagine what some of our City Council members would have thought if they had been there observing what happened.

I'd really like to know who it was that actually coaxed the young basketball players and how they think that was an OK thing to do.

Maybe the Cesar Chavez Foundation should come into our neighborhood. But not to build more apartments.

We need help with neighborhood reconciliation. We need help with showing people how to behave in a civilized and respectful manner toward each other and how to feel empowered without having to degrade others.

I'm concerned about the neighborhood tension around this project.

This has caused a lot of grief and anxiety.

- Stefan Wray

Montopolis Neighborhood Plan Contact Team Member

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Sent: Thursday, October 04, 2012 11:26 PM

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Cc: Leffingwell, Lee; Cole, Sheryl; Spelman, William; Riley, Chris; Morrison, Laura; Tovo, Kathie; Martinez, Mike [Council Member]; Ott, Marc; Edwards, Sue; Guernsey, Greg; Valenti, Margaret; [Commissioners] Golbabai, Justin; Meredith, Maureen; Heckman, Lee; Amelia Lopez; Frank Del Castillo

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This has caused a lot of grief and anxiety.

- Stefan Wray

Montopolis Neighborhood Plan Contact Team Member

From: Stefan Wray

Sent: Friday, October 05, 2012 1:03 AM

To: Valenti, Margaret; Guernsey, Greg; Meredith, Maureen; Golbabai, Justin; Heckman, Lee; Edwards, Sue; Ott, Marc

Cc: Pam Thompson; Kai Jai Conner; rhonnawall@gmail.com Robles; DElwingoss@aol.com; A net; Caitlin Harris Moore

Subject: COA Staff Monitoring MNPCT Meetings

Hello Margaret,

We asked that someone from the City attend and monitor the MNPCT meeting and what's described below is good reason why.

It's possible that if a City staff person had been there that whomever it was that coaxed (bribed?) the basketball players from the floor of the rec center to join the meeting and tip the vote might not have done so.

It's a sad state of affairs that Montopolis can't monitor itself. But evidently with the group of people that are running the show, it is not possible to have a fair meeting.

What contact team leader would be OK with letting the basketball players come in to vote? They had no idea what they were voting for. It was absolutely ridiculous. You or someone from staff should have been there. It might have stopped it.

There is no way that you accept this "decision" or recommendation.

Please talk to others. This may sound like fantasy. But I am really not making any of this up.

There is an inherent problem with the structure of the contact team in that "everyone" is a member of the contact team and anyone who shows up to vote gets to do so -- even without knowing what is going on or thinking about the issues.

Then it just becomes a game to get people to the meeting.

The "decisions" that are being made by the Montopolis Neighborhood Plan Contact Team are not representative of Montopolis. There is a small group that wants to be in control and they are very good at manipulating outcomes just as what is described below.

There is not a fair distribution of interests.

I hate to say this - not to be rude - but I think I'm beginning to agree with Delwin Goss' analysis that there is sort of a thugocracy running things

It's really bad. It's not fair and not democratic

I don't see how it is ever going to work properly

Can we split the planning area?

Can we have our own sub-contact team for Eastern Montopolis?

This zoning case that we are dealing with now - the Frontier Valley case - really is in our part of Montopolis and yet those in the western section are play tricks and cheating to outnumber us to make the City think all of Montopolis supports it

Can part of a planning area secede?

After tonight I'd really like to

It was totally out of control.

Do you have any way to sanction the contact team?

- Stefan Wray

October 5, 2012

I thought I had seen just how low someone would stoop when Susana Almanza and Fred Mc Ghee conspired to file a false charge against me hoping to see my parole revoked. I was wrong. They stooped even lower tonight. Susana Almanza realized her side might be outnumbered and stalled the MNPCT meeting long enough to count heads. The meeting started 20 minutes later than posted and only then with me complaining loudly that it was way past time to start.

As the applicants were doing their very short presentation and the MNPCT EC realized they didn't have a majority, MNPCT EC member Angelica Noyola left the room, went down to the basket ball courts in the rec center and brought up 15 to 20 of the youngsters who were playing basketball. When I questioned the age limit to vote; MNPCT Chair Susana Almanza said there is no age limit on voting as long as you lived in Montopolis and we set there flabbergasted as children as young as 5 or 6 set in their parents lap, as 12 and 13 year old children who only minutes before were playing basket ball; voted in a City of Austin sanctioned Neighborhood Plan Contact Team meeting. People who were holding small children held up their children's hands and those children's votes were counted in the total for the zoning amendment.

I don't know what those kids were told. I don't know what they were promised. I did over hear as

one person was talking with one kid she knew that was 15 years old. The kid told her getting "something" was better than getting nothing. What the Hell is that supposed to mean? What were they offered for voting as that MNPCT EC wanted them to vote?

I looked at this and I took it in and I thought My God! It's just like the drug dealers in the neighborhood corrupting children putting them out on the street corner to sell drugs. The kids have no idea what they are doing and the scum bag drug dealer profits from corrupting a child.

That my friend is the kind of people we have as Montopolis Neighborhood Plan contact Team Executive Committee.

And yes; tonight we got photos of the whole thing.

As a side note as MNPCT EC member Pam Thompson took her seat at the front table. MNPCT EC member Israel Lopez said something so insulting to her she immediately resigned.

That's life in Montopolis

Where is City Legal. City Staff and City Council? I've emailed them for months and they have done nothing. They can't say they didn't know.

Delwin Goss President

Montopolis Community Alliance (M.C.A.)

Vice President C.L.A.S.P.

Citizen Lead Austin Safety Partnership <http://clasp.weebly.com/>

Recipient:

Central Texas Crime Prevention Association 2011 Citizen Award

Texas Habitat for Humanity Leadership Conference 2010 Exceptional Service Award

Presidential Service Award for Community Service 2008, 2009, 2010, 2011

6410 Ponca Street

Austin, Texas 78741

512-389-2133

512-507-7615

October 4th, 20012

Case Number C14-2012-0067 & NPA-2012-2005.01
1700 1/2 Frontier Valley Drive
Cesar Chavez Foundation

The Cesar Chavez Foundation is proposing to build 250 subsidized rent apartment complex on this tract of land. Under normal circumstances I would support a development like this one. These circumstances aren't normal.

Montopolis already has about 47% of it's housing stock in subsidized rent apartments. Most of this subsidized rent housing stock was built in the last 15 years or less. Adding another 250 subsidized rent apartment units just continues the City of Austin's Jim Crow policies of the last 100 years. The City will be continuing on with the Jim Crow policy of concentrating low income families into an East Austin Neighborhood, Montopolis

Our neighborhood plan, the East Riverside Corridor Plan, the Imagine Austin Plan all call for providing housing for families at all economic levels and all stages of life. Montopolis is already one of the poorest communities in Austin. How does continuing the outdated and racist policies of concentrating all of the subsidized rent apartments into Montopolis and the 78741 zip code meet those goals of the Montopolis Neighborhood Plan, The East Riverside Corridor Plan and the Imagine Austin Plan?

I read those plans and no where in them did I read a goal of concentrating all of the subsidized rent apartments into South East Austin and/or Montopolis?

Those plans call for a wide range of housing for all economic levels and all families, not just subsidized rent apartment units for those living below the median family income in Austin. The whole discussion on affordable housing has been around putting affordable housing into neighborhoods with high opportunity factors. At a presentation last night sponsored by the City of Austin, we learned that the Kirwin Institute Montopolis rates a one out of ten on just about every opportunity criteria they use for mapping. The lower the number the lower the opportunity for families living in that neighborhood.

Because of the reasons listed above the members of the Montopolis Community Alliance, a registered Texas None Profit corporation, have voted to oppose these amendments to the City's Zoning and to the Montopolis Neighborhood Plan.

Respectfully,

Delwin Goss President
Montopolis Community Alliance (M.C.A.)
Vice President C.L.A.S.P.
Citizen Lead Austin Safety Partnership <http://clasp.weebly.com/>
Recipient:
Central Texas Crime Prevention Association 2011 Citizen Award
Texas Habitat for Humanity Leadership Conference 2010 Exceptional Service Award
Presidential Service Award for Community Service 2008, 2009, 2010, 2011
6410 Ponca Street
Austin, Texas 78741

512-389-2133
512-507-7615

From: Lawrence Sunderland
Sent: Monday, October 08, 2012 9:34 AM
To: Golbabai, Justin; Heckman, Lee
Subject: Estancia Del Rio Project – No

Commission members,

I am voicing my opposition to the Estancia Del Rio Project based upon its lack of density, lack of vision, and lack of compassion for those it aims to serve.

Our grand bargain in this city has been to shoehorn density into our corridors to "protect" our neighborhoods. Affordable housing was left on the cutting room floor. Anytime we dilute the potential of a project on the corridor, especially if it contains affordable units, we are turning our back on a large segment of our workforce. Any neighborhood group approving such a plan reneges on our bargain. Any developer that presents such an out of touch insensitive project to us in the name of affordable housing shows their lack of insight and compassion for our community.

The Estancia project underutilizes the potential for density allowed and will exacerbate our problem. The design presented obviously is boilerplate and does not take into consideration the neighborhood or the terrain. With its institutional design (cell blocks) and perimeter fence it can best be described as "architectural apartheid". No way does this design meet our vision of "all kinds of housing, in all parts of town, for all kinds of people" or embrace New Urbanist principals for our corridor. There is nothing here that fits into the neighborhood or the corridor.

We are being asked to approve a project that in no way treats its new residents with respect or compassion. Why not build to target density, why not allow smaller units (efficiencies) and units at market rate to give us a truly 21st. Century diverse marketable project that can begin to make inroads into our loss of affordable inventory and encourage a mix of tenants?

I will believe neighborhoods are champions of affordable housing when they build density and embrace the "missing middle" within the boundaries of their neighborhood. On the other side, the Caesar Chavez Foundation should be ashamed to present such a out of touch project to us in the name of affordable housing.

Send the Foundation back to the drawing board, have them reflect back to us our vision for our corridor and our city, and let us help them design a project that is site specific, uses current best practices, meets our density and diversity goals, and truly is a model for what a workforce housing project should be today. Then I think you will find the rancor in the neighborhood will lessen around this project.

Larry Sunderland

From: Kai Jai Conner

Sent: Monday, October 08, 2012 10:09 PM

To: Rusthoven, Jerry; [Commissioners]

Cc: greg.gurnsey@ci.austin.tx.us; 'Stefan Wray'; 'A Golden'; 'Rhonna Robles'; Valenti, Margaret; Heckman, Lee; Meredith, Maureen;

Subject: RE: Report on Montpolis Meeting

I want to make sure that all the members of the Planning Commission understand the level of inappropriateness at our 'contact meeting' last Thursday. As you are probably aware by now, 2 of the contact team members resigned during or after the meeting due to abusive behaviour and general disgust. Pulling in the underage disinterested 'voters' from the basketball court was a new low for the contact team's behaviour. And the abbreviated q&a, the rushed vote, the characterization by Susanna Almanza, of the vote as 'approving the project' that 'we've already approved'. This was a huge disservice to those who have been involved all along but really a wrong to people who were unfamiliar or had just joined the process. My overwhelming concern is that the change on the application from CS-MU to MF-3 has real ramifications to my neighborhood and even though i'm involved and thoughtful, I feel that I do not understand those implications due to lack of information at the meeting.

Obviously our 'contact team' needs help, to learn how to run meetings and how to get out information that will empower the stakeholders to make decisions about land uses in our neighborhood. I honestly believe that the stakeholders deserve another meeting, contact team or otherwise, to be honestly apprised in a cogent, objective, inclusive setting so that we can make crucial land use decisions for our neighborhood.

What I do understand is that we are losing a very valuable tract of land for commercial services use if it changes to multi-family, which we have more than enough of. I think that multi-family is not appropriate zoning for this tract of land when we desperately need commercial services. This zoning change denies us mixed use and commercial services so that we can become a walking / biking, truly connected neighborhood. Is this change solely to avoid the design standards required under CS zoning? It would be good to hear from the applicant for the reasons for asking for this change to the application.

I am planning to attend the Planning Commission meeting tomorrow and I hope that you understand the fiasco that was the contact team meeting and the invalidity of the 'vote' taken on October 4th on the zoning change to MF-3 and the change to the FLUM. We still believe that this project is NOT good for our neighborhood, we still have the lack of connectivity (that 'dedication' of a driveway is a lame excuse for a connector street, particularly since the developer nor the city is committing to build it!), the parking and congestion on Frontier Valley, flooding and runoff, increased crime, and the overwhelming issue of concentration of poverty and building something that is the antithesis of the East Riverside Corridor Plan, which we all applaud and would like to see happen. I hope you will support our concerns.

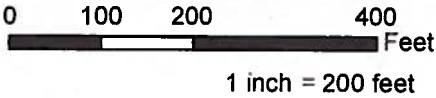
Sincerely,
Kai Jai Conner

C14-2012-0067 / La Estancia Del Rio



Image Data: 2009

Exhibit A-1



C14-2012-0067 / La Estancia Del Rio

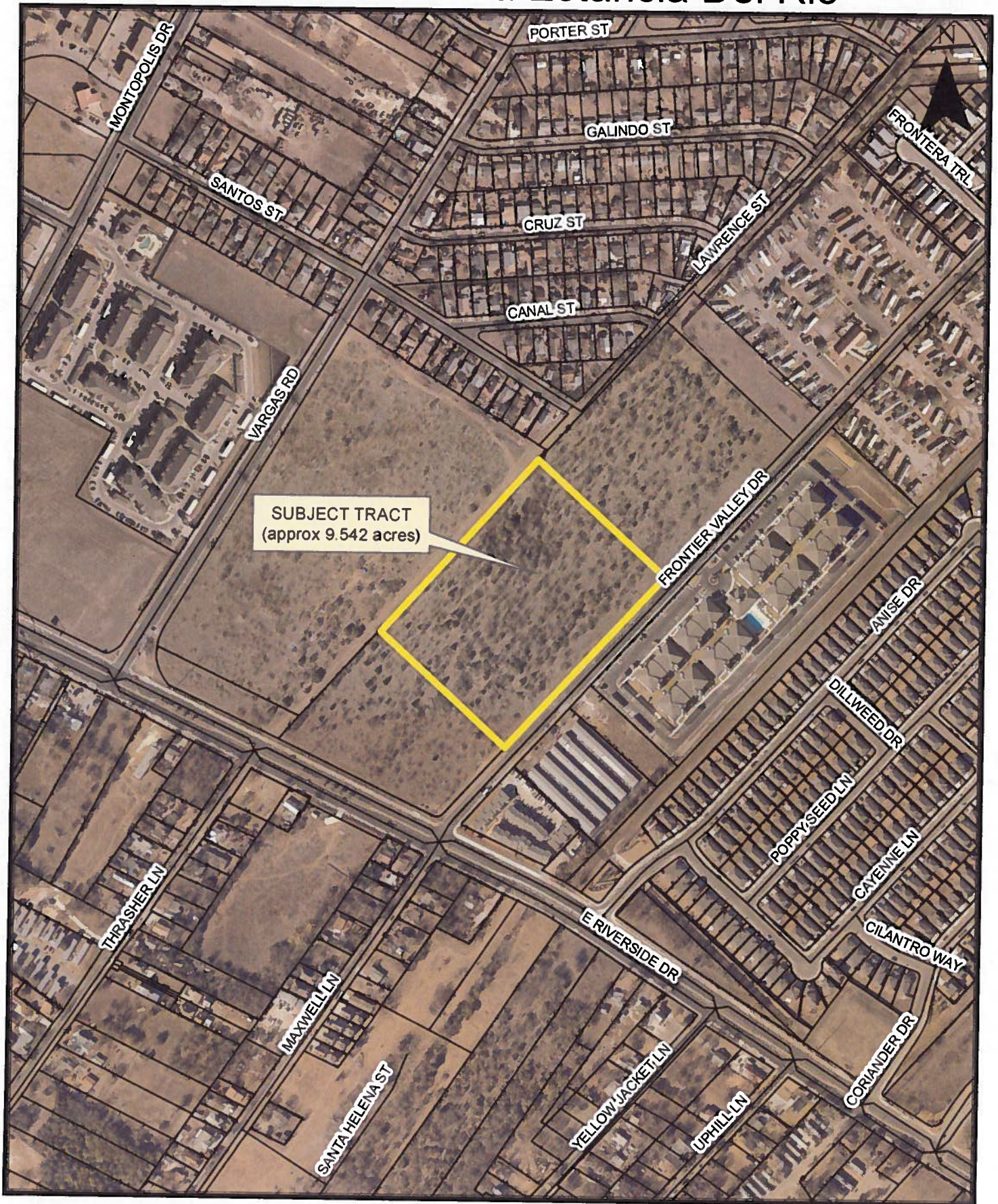


Image Data: 2009

Exhibit A-2

0 200 400 800 Feet

1 inch = 400 feet



**Planning and Development Review
Land Status Determination
Legal Tract Platting Exception
Certification**

July 25, 2012

File Number: C8I-2012-0173

Address: 1700-1/2 FRONTIER VALLEY DR

Tax Parcel I.D. # 0309160106 (portion) Tax Map Date: 09/24/2010

The Planning and Development Review Department has determined that the property described below and as shown on the attached tax map:

is over five acres consisting of 17.199 acres of land out of the Santiago Del Valle Grant in Travis County, Texas, being a portion of the tract or parcel further described in the deed recorded in Document #2010079698, of the Travis County Deed Records on Jun 4, 2010, and being more particularly described by metes and bounds on "Exhibit A" attached hereto and incorporated herein by reference, is eligible to receive utility service. The cost of water and/or wastewater service improvements, including easements, tap and impact fees, are the landowner's responsibility and expense, and must be accomplished according to the City of Austin Utility Design Criteria, Specifications and Procedures.

Note: "Parent" tract of 22.23 acres as described in deed noted above. A separate determination is required for the remainder tract (5.033 acres). See "Exhibit A" (attached) for bearings.

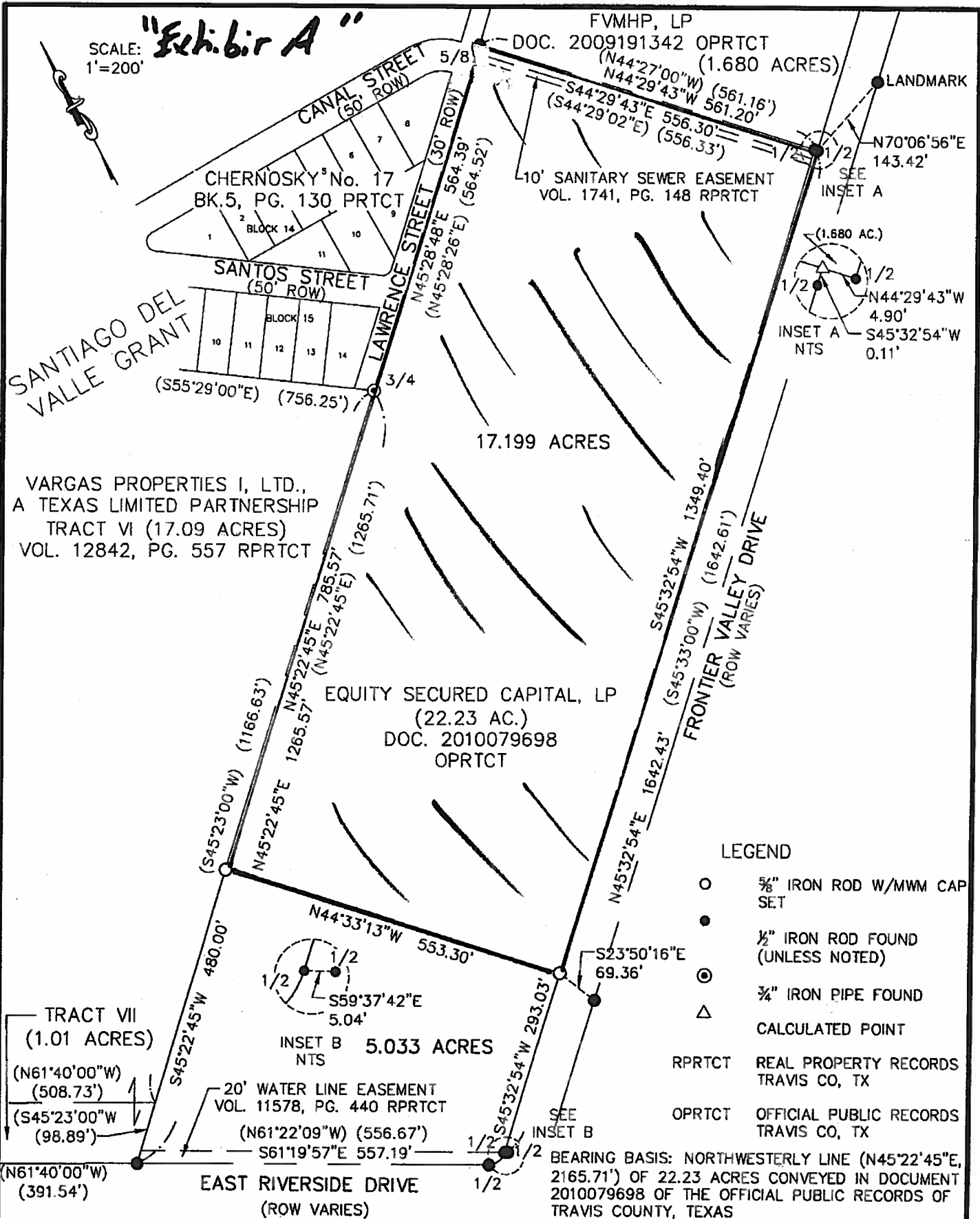
This determination of the status of the property is based on the five-acre subdivision exception provided in Texas Local Government Code, Section 212.004(a). Recognition hereby does not imply approval of any other portion of the Austin City Code or any other regulation.

By: 
**Daniel Word, Representative of the Director
Planning and Development Review**

Map Attachment

SCALE:
1"=200'

"Exhibit A"



mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

EXHIBIT
Exhibit A-3 Page 2

TRAVIS COUNTY, TEXAS

DATE: 3 JUL 2012
JOB NO: 47702
FILE: 22_23AC

1
1 OF 1



Travis Central Appraisal District
 P.O. Box 149012
 Austin, Texas 78714
 Internet Address: www.traviscentral.org
 Main Telephone Number (512) 834-0317
 Appraisal Information (512) 834-0316
 TDD (912) 834-5328

This map was compiled solely for the use of TCAD.
 Areas depicted by these digital products are approximate.
 A rockability accuracy to mapping, surveys or
 other data sources. The TCAD makes no claim
 of ownership of the data. The TCAD makes no claim
 of responsibility for the accuracy, completeness or
 adequacy of this information and expressly disclaims any
 legal document.

NAD, 1983, StatePlane
 Texas, Central FIPS 4203 Feet
 Projection: Lambert Conformal Conic
 N
 1" = 100 scale map
 1" = 100 scale map
 1" = 100 scale map

0 120 Feet

Revision Date
 9/24/2010
 3 0916

Montopolis Neighborhood Plan Contact Team

June 19, 2012

Ms. Maureen Meredith
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

RE: 1700 Frontier Valley Rezoning from CS to CS-MU

Dear Ms. Meredith,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held it's meeting on June 14th, 2012 at Montopolis Recreation Center to review the rezoning of property located at 1700 Frontier Valley. We reviewed and discussed the zoning change for the property located at 1700 Frontier Valley, with a zoning change from CS to CS-MU for 10 acres.

At this meeting, the MNPCT members and other neighborhood members heard and reviewed the presentation by members of the Cesar Chavez Foundation, Corner Brook Development Company and mwm Design Group.

After an extensive discussion, members of the MNPCT voted to approve the zoning change request on the property at 1700 Frontier Valley. The MNPCT also approved the rezoning of the property to move forward in the out of cycle process. The front portion of the property, which is near Riverside Drive, will remain CS-MU-NP. The 7 acres adjacent to the 10 CS acres will remain zoned MF.

This zoning recommendation is compatible with the Montopolis Neighborhood's Plan Objective 2: Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development..... Action 4: Residential uses are recommended on the remaining undeveloped land where permissible. This zoning request complies with the Montopolis Neighborhood Plan.

Sincerely,
Susana Almanza
Susana Almanza
Chair- Montopolis Neighborhood Contact Team
1406 Vargas Road
Austin, TX 78741
512/472-9921

Cc: Frank Del Castillo, Jr. mwm Design Group

Montopolis Neighborhood Plan Contact Team

August 12, 2012

Ms. Maureen Meredith
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

RE: NPA-2012-0005.01 (1700 ½ Frontier Valley). A change in the future land use map (FLUM) from Commercial to Mixed use. The zoning request is from CS-NP to CS-MU-NP

Dear Ms. Meredith,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held it's meeting on July 30th, 2012 at Dan Ruiz Library to review the Plan Amendment for the property located at 1700 ½ Frontier Valley – NPA-2012-0005.01

At this meeting, the MNPCT Executive Committee and other neighborhood members heard and reviewed the presentation by the City of Austin and members of the Cesar Chavez Foundation; Corner Brook Development Company and mwm Design Group.

After an extensive discussion, members of the MNPCT voted to approve the Plan Amendment for the property.

On June 14th, 2012, the MNPCT reviewed the rezoning request for the property at 1700 1/2 Frontier Valley. The MNPCT voted to approve the zoning request from CS to CS-MU. The MNPCT also approved the rezoning of the property to move forward in the out of cycle process.

Sincerely,

Susana Almanza

Susana Almanza
Chair- Montopolis Neighborhood Contact Team
1406 Vargas Road
Austin, TX 78741
512/428-6990

Cc: Frank Del Castillo, Jr. mwm Design Group

From: PODER Austin, Texas

Sent: Tuesday, August 28, 2012 12:18 PM

To: Heckman, Lee; Golbabai, Justin; Meredith, Maureen; Guernsey, Greg; Myron Smith

Subject: Montopolis case C14-2012-067 & NPA-2012-0005.01

Hello Planning Staff and Planning Commissioners-

I am writing this letter opposing the request that the above zoning case & FLUM for property located at 1700 1/2 Frontier Valley Drive in Montopolis be postponed. The members who sent the letter to Dora Anguiano on August 24th requesting the postponement are trying to stop and/or delay the possibility of any affordable housing being built in Montopolis. Four of the six people who signed the letter requesting a postponement all live in affordable housing but don't want anymore affordable housing built in Montopolis. All those residents that signed the letter for postponement are new to the Montopolis community, this is not to say that they don't have a voice, but to inform you that they have moved into a low-income and working class community and now are opposed to affordable housing at 50% - 60% MFI.

Also, members of the Frontier at Montana HOA attended the July 30th Meeting held by the City of Austin and the Montopolis Neighborhood Contact Team and were given the opportunity to express their opinion and to take a vote. The vote at the meeting was 22 supporting the above project and 2 against and 2 abstentions. The project listed was approved by the Montopolis Neighborhood Contact Team with members from the Frontier at Montana HOA present.

These individuals asked numerous questions of the applicants and the applicants responded to questions they could. Again, these questions had been asked at the May 21st meeting with the applicants and then given at second opportunity to ask questions on the June 19th, meeting. Of course, many of the questions were not within the scope of the property. Many of the questions were about the Sentora Apartments on Frontier Valley, their tenants and their parking issues; again, not within the scope of the applicants.

These individuals are trying to delay this project in hopes that deadlines for tax credits and other grants will be missed and that the project will go away. They lost the vote at the meetings and now are trying separate maneuvers to stop affordable housing.

If you will check your records you will find that Stefan Wray has opposed all housing development proposed for the Riverside/Frontier Valley intersection. He opposed single family housing and now multi-family housing. It seems any type of affordable housing will impact him and the Frontier at Montana housing area, which is an affordable housing area.

I ask you to let this case move forward. The Montopolis Contact Team, sanctioned by the City of Austin has held several meetings and taken a vote. Please respect the decision of the MNPCT. Thank you,

Susana Almanza, President Montopolis Neighborhood Contact Team

--

PODER

P.O. Box 6237

Austin, TX 78762-6237

www.poder-texas.org

Exhibit B-3

September 5th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

Last night (9/4/2012) the Montopolis Neighborhood Contact Team (MNPCT) members and other residents, which included the individuals that requested the postponement of the case met with MWM Design Group and representatives from the City of Austin. Representing the MWM Design Group were Amelia Lopez and Frank Del Castillo. Representing the City's Transportation Department was Mario Porras; Erica Leak with the East Riverside Corridor Master Plan (ERCMP) and Justin Golbabai with the City of Austin's Planning and Development Review Department.

An Agenda was presented that included the following: 1. Introductions, 2. Purpose of the Meeting, 3. Transportation Connectivity, 4. Response to Questions and 5. Questions & Answers Session. Amelia Lopez announced that the Transportation representatives would have to leave about 6:20 pm and would give the floor for them to answer questions first. Ms. Lopez also stated that the meeting would adjourn at 7 pm. Numerous Montopolis members also had to leave at 7 pm.

Most of the questions were directed at Erica Leak regarding the connector street map in the ERCMP. The individuals who asked for a postponement held a 40 minutes discussion regarding the Riverside Corridor Plan connectivity and light rail. Questions were also asked regarding traffic impact studies, of which Mario Porras responded to. The major request by those asking for the postponement was to try and hold up the project until the ERCMP becomes an ordinance and developers would then have to legally abide by adopted regulations. Erica Leak did explain that at the present time the ERCMP was not adopted and regulations could not be enforced.

Amelia Lopez had a received a list of questions from the postponement group and read each question and responded to each question, where it was appropriate for them (MWM Design) to respond. There was then a short question and answer period.

It is obvious that people who want to make an affordable project go away will never be satisfied with the answers they get. A letter was circulated by the postponement group that made references to wanting **high income residents and if the project was built that only 30% of the children will speak English.** They also associate this project with crime. This project has brought out the insensitivity in people regarding the poor, the working poor and people of color. This project will provide affordable housing at the rate of 50 – 60% MFI, for most working poor the affordable rate is at 30% - 40 % MFI.

We thank the Planning Commission for giving the postponement group yet another opportunity to ask questions. The MNPCT held meetings in May, June and July regarding this project. **We urge the Planning Commission to move forward and hear this case on September 11th, 2012.**

Sincerely,
Susana Almanza
Susana Almanza, President
Montopolis Neighborhood Plan Contact Team



People Organized in Defense of Earth and her Resources

September 10, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive. PODER has worked for decades to retain and build affordable housing in East Austin and Austin. PODER recognizes that there is a housing shortage of affordable housing. PODER has witnessed the gentrification that has overwhelmed the long-time residents of East Austin. Affordable housing must remain available so that low-income and the working poor can continue to live within the urban core. Numerous of PODER's members live in the Montopolis community and would like the opportunity to continue to live in the Montopolis community.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team.

Sincerely,

Janie Rangel
Janie Rangel, Board Chair
PODER
P O Box 6237
Austin, TX 78762

PODER P.O. Box 6237 Austin, TX 78762 512/428-6990 email: poder.austin@gmail.com

September 6th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

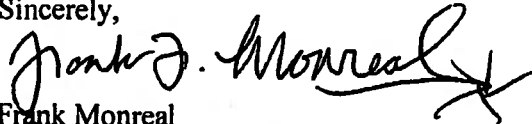
Dear Chairman Anderson and Planning Commissioners:

The Bonnett Neighborhood Association supports the Mixed Use development at 1700 ½ Frontier Valley Drive. The Bonnett Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. The Montopolis Neighborhood Plan supports this multi-family residential use.

The Bonnett Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Bonnett Neighborhood Association is a member of.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank J. Monreal", with a stylized flourish at the end.

Frank Monreal
Bonnett Neighborhood Association
209 Bonnett
Austin, TX 78741

August 31, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive. The Vargas Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Vargas Neighborhood Association is a member of.

Sincerely,

A handwritten signature in black ink, appearing to read "Corazon Renteria", with a horizontal line extending to the right.

Corazon Renteria, Chair
Vargas Neighborhood Association
1406 Vargas Road
Austin, TX 78741

September 6th, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 ~ 1700 1/2 Frontier Valley Drive

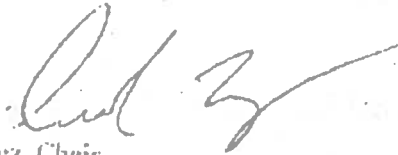
Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 1/2 Frontier Valley Drive. The Vasquez Fields Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. The Montopolis Neighborhood Plan supports this multi-family residential use.

The Vasquez Fields Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Vasquez Fields Neighborhood Association is a member of.

Sincerely,



Israel Lopez, Chair
Vasquez Fields Neighborhood Association
6800 Villita Avenida
Austin, TX 78741

August 31, 2012

Dave Anderson, Chair
City of Austin
Planning Commission &
Planning Commissioners
P O Box 1088
Austin, TX 78767-1088

Re: C14-2012-0067 & NPA-2012-0005.01 – 1700 ½ Frontier Valley Drive

Dear Chairman Anderson and Planning Commissioners:

This is a letter of support for Mixed Use development at 1700 ½ Frontier Valley Drive. The Montopolis-Ponca Neighborhood Association supports the applicants' proposal to build affordable multi-family structures on the property. This multi-family residential use is supported by Actions 4 of the Montopolis Neighborhood Plan.

The Montopolis-Ponca Neighborhood Association supports this project because it is compatible with the surrounding future land uses and the Goals, Objectives and Recommendations of the Montopolis Neighborhood Plan, East Riverside Corridor Master Plan, and the Draft East Riverside Corridor Regulating Plan.

We also urge the Planning Commission to support the recommendation of the Montopolis Neighborhood Contact Team, of which the Montopolis-Ponca Neighborhood Association is a member of.

Sincerely,

Angelica Noyola, Chair
Montopolis-Ponca Neighborhood Association
620 Montopolis Drive
Austin, TX 78741

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Juan Moreno

☒ I am in favor
☐ I object

6800 Canal St.

Your address(es) affected by this application

9-7-12

Date

Signature

Daytime Telephone: 512 634-6094

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Micky Moreno
Your Name (please print)

6803 Galindo St.

Your address(es) affected by this application

Micky Moreno 8-7-12
Signature Date

Daytime Telephone: 512 389-0928

Comments:

We need affordable housing

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

MARCO NAYOLA
Your Name (please print)

220 Montafolis Drive
Your address(es) affected by this application

Marco Nayola
Signature

Date

Daytime Telephone: 512 538-6140

Comments:

Im for Cesar Chavez
Foundation building Apts.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0067 Case Number: NPA-2012-00005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Johnny S. Ramirez
Your Name (please print)

6020 Montopolis Dr.
Your address(es) affected by this application

Johnny Ramirez
Signature

9-4-2012
Date

Daytime Telephone: 512 939 6138

Comments:

I am for the affordable housing being built on Eastside.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012

City Council, Sep 27, 2012

Rachel Guajardo
Your Name (please print)

☒ I am in favor
☐ I object

6804 Hogan St.
Your address(es) affected by this application

Austin, TX 78741

Rachel Guajardo 8-29-2012
Signature Date

Daytime Telephone: _____

Comments: I live in Montopolis. I believe we need affordable housing here. All people no matter what their income deserve an affordable, nice place to live. One Arts lack of management skills should not be cause for people to get "homes" from another builder. Thank you for your time.

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City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)
Adam Swita

☒ I am in favor
☐ I object

Your address(es) affected by this application

9.2.2012

Date

Signature

Daytime Telephone: private

Comments:

People need a low cost
place to live, i think
its a good idea to
make apartments

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Angelica Noyola
Your Name (please print)
620 Montopolis Dr.
Your address(es) affected by this application

Angelica Noyola
Signature
Date
9.6.2012

Daytime Telephone: 939-6138

Comments:
Low income people do not
raise crime.

Affordable housing is needed.
Austin is at a 97%
occupancy rate for
affordable rentals.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

YVONNE GUJARDO
Your Name (please print)

511 B. KEMP ST.

Your address(es) affected by this application

5000 LUGARDO, A-6-12

Signature

Date

Daytime Telephone: 653-0753

Comments:

PLEASE ALLOW APTS TO BE
BUILT. PEOPLE NEED HOMES

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2012-0067 Case Number: NPA-2012-0005.01
Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Bolands Mac Garza

511 B. Kemp Street

Your address(es) affected by this application

n/a

Signature

Daytime Telephone: n/a

Comments:

n/a

Date

Sept 7, 2012

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Régina Castillo
Your Name (please print)

6102 Ponca St. 78741

Your address(es) affected by this application

6102 Ponca St - Regina Castillo 9-5-12

Signature

Date

Daytime Telephone: *N/A*

Comments:

I support this project Thanks

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604
Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Librado Almanza
Your Name (please print)

78741

6103 Larrah Terrace

Your address(es) affected by this application

[Signature] 9-7-2012
Signature Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Dear Planning Commission Members,

This letter is in regards to zoning permit case 2012-063326 ZC and neighborhood plan amendment case 2012-063313 NP for property in Montopolis at 1700 1/2 Frontier Valley Drive. Both cases are scheduled for the Planning Commission on August 28, 2012.

I oppose the applicant's request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I believe that the Montopolis Neighborhood Plan Contact Team's and City Staff's support for this zoning change and plan amendment does not fully consider the impact that this TDHCA apartment complex would have on the neighborhood and especially the likely impact on Frontier at Montana, a 70+ household subdivision developed by the Austin Housing Finance Corporation.

I urge you to recommend that City Council not approve these two cases.

Too Much Traffic

There are two primary ways to enter and exit the Frontier at Montana subdivision.

One is to the west on residential streets (Montana St. and Villita Avenida) through single-family zoned neighborhoods to reach either Vargas Rd. or Montopolis Dr. The other is to the south along Frontier Valley Dr. to reach E. Riverside Dr.

The residential streets of Frontier at Montana (again, Montana St. and Villita Avenida) are also already used by others travelling to exit or enter their neighborhoods.

There is already a significant and undesirable amount of traffic through our community. We have too much traffic now that drives too fast. We have asked for traffic calming

There is already congestion at the intersection of Frontier Valley Dr. and E. Riverside Dr. where at times drivers have long waits to turn left and even right.

The proposed development at 1700 1/2 Frontier Valley Dr. has its points of entry only planned for Frontier Valley Dr. This means additional car trips generated will add to traffic exiting south onto E. Riverside or north along Frontier Valley Dr. to cut through Frontier at Montana.

Both of those traffic situations would negatively impact Frontier at Montana residents.

The congestion at E. Riverside Dr. will add time and make it more difficult and perhaps dangerous to exit and enter our neighborhood that way. Over time this will even become more of a problem as the E. Riverside Dr. corridor is developed.

From cross traffic, Frontier at Montana and the adjacent neighborhood in older Montopolis will experience more cars, more exhaust, more noise, and more of a need for safety concern for children.

Too Much Affordable Apartment Density

The proposed development at 1700 1/2 Frontier Valley Dr. would have 250 affordable apartment units built with a TDHCA tax credit.

At this time there is already a TDHCA tax credit affordable apartment complex at 1705 Frontier Valley Dr. called Santora Villas that has 192 units.

The combined total of both complexes – literally across the street from one another – would be 442.

I urge you to study and analyze the Affordable Housing Inventory and Affordable Housing Inventory Map and Affordable Housing Volume found here:

<https://data.austintexas.gov/browse?category=Neighborhood>

There are few instances in Austin where affordable apartments with this many units are adjacent to one another. There are few cases of this much density.

In another part of Montopolis the Riverside Meadows complex (TDHCA & AHFC) with 248 units and Fairway Village (TDHCA, AHFC, & HUD) with 128 are close – one block away – but their combined total of 376 units is 85% of the what the new density would be at the Frontier Valley Dr. and E. Riverside.

Compounding Existing Problems Across The Street

The TDHCA backed apartment complex Santora Villas with 192 units across the street from the proposed development is a case study of what can go wrong with affordable apartments and a warning sign to residents of Frontier at Montana of what could happen if the end of Frontier Valley Dr. becomes a mega complex of TDHCA apartment housing.

Anecdotal stories from a relative of a resident of Santora Villas paint a picture of an affordable apartment complex that was once more welcoming to a diversity of residents, but shifted and increased the number of Section 8 housing opportunities which changed the demographics.

Whereas initially promoted as a good thing for the community, Santora Villas has become a location where the Austin Police Department needs to make frequent visits. In the first 7 months of this year there have been 72 police reports filed for an average of 10 per month. (See attached below from www.krimmelab.com). These are mostly APD reports for Assault, Burglary of Vehicle, Family Disturbance, and Theft and are only ones that are reported.

The APD reports are easily attainable data, but they speak to underlying problems that should be addressed and dealt with before constructing something new, yet similar, that could just add to the problems.

There is genuine worry among residents of Frontier at Montana that building a TDHCA 250 unit affordable apartment complex right next to a TDHCA 192 unit apartment complex that already has significant problems is only going to make matters worse.

Please recommend to deny the zoning change and plan amendment requests.

Sincerely,

Stefan Wray
Frontier at Montana HOA Member
Montopolis Plan Contact Team Member
Montopolis Greenbelt Association Co-Founder.

Santora Villas

CASE #	DATE	OFFENSE	ADDRESS	ZIP	ARREST
2012-5034080	7/30/12	ABANDONED VEH	1705 FRONTIER VALLEY DR	78741	
2012-2090284	7/27/12	BURGLARY INFORMATION (ATTEMPTED)	1705 FRONTIER VALLEY DR	78741	
2012-5031769	7/15/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-5031618	7/15/12	WRECKER ORDINANCE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	ASSAULT BY THREAT FAM/DATING	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-1961206	7/14/12	DATING DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1952135	7/13/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-5031429	7/13/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-5031450	7/12/12	ASSAULT BY THREAT	1705 FRONTIER VALLEY DR	78741	
2012-5030293	7/4/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-5029824	7/3/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1830175	7/1/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1800413	6/28/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-5029182	6/27/12	THEFT INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-1680117	6/16/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1680361	6/16/12	AUTO THEFT INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-1680361	6/16/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-5026541	6/13/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-5025894	6/8/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-5026288	6/8/12	TERRORISTIC THREAT	1705 FRONTIER VALLEY DR	78741	
2012-1580224	6/6/12	DATING DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1571885	6/5/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-1481984	5/27/12	ASSAULT WITH INJURY	1705 FRONTIER VALLEY DR	78741	
2012-1420644	5/21/12	BURGLARY OF VEH INFORMATION	1705 FRONTIER VALLEY DR	78741	
2012-5022653	5/20/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1341583	5/13/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1250435	5/4/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1231120	5/2/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-1211572	4/30/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	♦
2012-1170585	4/26/12	AUTO THEFT	1705 FRONTIER VALLEY DR	78741	

2012-1170002	4/26/12	DRIVING WHILE LICENSE INVALID	1705 FRONTIER VALLEY DR	78741	♦
2012-1170002	4/26/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-1131592	4/22/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-1131592	4/22/12	BURGLARY OF RESIDENCE	1705 FRONTIER VALLEY DR	78741	
2012-1130474	4/22/12	BURGLARY OF VEHICLE (ATTEMPTED)	1705 FRONTIER VALLEY DR	78741	
2012-1131592	4/22/12	INTER EMERG PHONECALL FAM/DATE	1705 FRONTIER VALLEY DR	78741	
2012-5017774	4/21/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1021240	4/11/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-1011244	4/10/12	BURGLARY INFORMATION	1705 FRONTIER VALLEY DR	78741	♦
2012-1011244	4/10/12	POSS CONTROLLED SUB/NARCOTIC	1705 FRONTIER VALLEY DR	78741	♦
2012-1011244	4/10/12	POSS CONTROLLED SUB/SYN NARC	1705 FRONTIER VALLEY DR	78741	♦
2012-970291	4/6/12	AUTO THEFT	1705 FRONTIER VALLEY DR	78741	♦
2012-970291	4/6/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-840513	3/24/12	AGG ASSAULT FAM/DATE VIOLENCE	1705 FRONTIER VALLEY DR	78741	♦
2012-840513	3/24/12	INTERFERING W/EMERG PHONE CALL	1705 FRONTIER VALLEY DR	78741	♦
2012-801835	3/20/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-791961	3/19/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-741303	3/14/12	OUT OF CITY AUTO THEFT	1705 FRONTIER VALLEY DR	78741	
2012-681262	3/8/12	DISTURBANCE - OTHER	1705 FRONTIER VALLEY DR	78741	
2012-670242	3/7/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-671445	3/7/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-640298	3/4/12	ASSAULT W/INJURY-FAM/DATE VIOL	1705 FRONTIER VALLEY DR	78741	
2012-5011931	3/1/12	CRIMINAL MISCHIEF	1705 FRONTIER VALLEY DR	78741	
2012-610274	3/1/12	EVADING / FOOT	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	FAILURE TO IDENTIFY	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	POSS MARIJUANA	1705 FRONTIER VALLEY DR	78741	♦
2012-610274	3/1/12	REQUEST TO APPREHEND	1705 FRONTIER VALLEY DR	78741	♦
2012-480113	2/17/12	MISSING ADULT	1705 FRONTIER VALLEY DR	78741	
2012-460112	2/15/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-260188	1/25/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-251652	1/25/12	DOC DISPLAY FIREARM-PUB PLACE	1705 FRONTIER VALLEY DR	78741	
2012-251652	1/25/12	TERRORISTIC THREAT	1705 FRONTIER VALLEY DR	78741	
2012-5002182	1/16/12	BURGLARY OF VEHICLE	1705 FRONTIER VALLEY DR	78741	
2012-90010	1/9/12	CRIMINAL TRESPASS NOTICE	1705 FRONTIER VALLEY DR	78741	
2012-90882	1/9/12	ROBBERY INFORMATION	1705 FRONTIER VALLEY DR	N/A	
2012-81597	1/8/12	FAMILY DISTURBANCE	1705 FRONTIER VALLEY DR	78741	
2012-81597	1/8/12	THEFT	1705 FRONTIER VALLEY DR	78741	
2012-70806	1/7/12	ASSAULT BY CONTACT FAM/DATING	1705 FRONTIER VALLEY DR	78741	
2012-60006	1/6/12	ACCIDENTAL DRUG OVERDOSE	1705 FRONTIER VALLEY DR	78741	
2012-30703	1/3/12	DATING DISTURBANCE	1705 FRONTIER VALLEY DR	78741	

1700 1/2 Frontier Valley Road, Zoning: C14-2012-0067, NPA Case: NPA-2012-0005.01

I oppose the applicants request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I am a resident at The Arbors at Riverside and I am extremely concerned about the 1,600 car trips that this apartment complex will generate EVERY DAY, we already have more traffice than is safe right now. Also I am concerned about the stress on our water and wastewater systems and since we already have a flooding issue, this monolithic slab of concrete will only make it worse. The crime at Santoro Apartments down the block is horrific and I know that another apartment complex will DOUBLE the crime statistics.

I would much prefer to see residential owned, not lease properties. Or if we have to have a lease property, let's make it a little higher in rents? Attract a better element? We would like to retain our property values and it seems the way to do that is to build nicer residential units, not low-cost or affordable or Section 8 housing. I am one of the on-site agents at the Arbors at Riverside and we are fighting up uphill perception problem as it is. I cannot imagine what it would be like with all the problems that another 250-unit apartment complex would bring. I strongly oppose the zoning change on this tract.

Sincerely,

Kai Jai Conner
Central Austin Real Estate, LLC
512/736-8080

Via email

August 16, 2012

Mr. Lee Heckman:

It has come to my attention, that a request to modify neighborhood plan amendment and change zoning from from Commercial to Mixed Use Commercial for the purpose of affordable apartments, 250 units (1700 1/2 Frontier Valley Drive, Zoning Case # 2012-063326 ZC, Plan Amendment Case # 2012-063313 NP). The impact to homeowners like myself is great. I am asking you to please stand firm and remember all of the reasons why this proposal is not beneficial to the area of our town. The greatest concerns are about property values, traffic and parking, crime, and water, wastewater, and flooding. Among other things, these are just the big things.

I am requesting that you please oppose and stand firm against the re-zoning of the from Commercial to Mixed Use Commercial.

Thank you for your time.

Chokein Kiyuna, M.Ed.

City Staff and Planning Commission,

Please attach this letter to the file for the following cases:

6606 Felix Avenue

Zoning Case # [2012-064623](#) ZC

Plan Amendment Case # [2012-064627](#) NP

Request to amend neighborhood plan amendment and change zoning
From SF-3 Family Residential to LR-MU-NP Neighborhood Commercial
For the purpose of a state inspection station

1700 1/2 Frontier Valley Drive

Zoning Case # [2012-063326](#) ZC

Plan Amendment Case # [2012-063313](#) NP

Request to amend neighborhood plan amendment and change zoning from
From Commercial to Mixed Use Commercial
For the purpose of affordable apartments, 250 units

I am a resident and owner of a property within 500 ft of the above mentioned zoning change requests. Myself and my fellow property owners in the surrounding area ask that you **do not approve the rezoning requests for zoning cases 2012-064623 ZC and 2012-063326 ZC.** Our concern is for issues related to property values, parking, traffic, crime, water, waste water and flooding, to name a few.

In addition, I do not believe that the developments proposed for these areas are consistent with the vision of the East Riverside Corridor Plan. Please disprove these proposals, so that we may keep large tracts of land available for future development that enriches and expands the areas surrounding downtown, especially those which are the Gateway to Austin from the Airport and one of the routes to the new Circuit of the Americas. The proper development of the East Riverside Corridor will set the tone for visitors to our city.

Thank you for listening to the residential property owners in this area,
Jared Galaway
6900 East Riverside Dr Unit 32
Austin, TX 78741

August 15, 2012

Austin City Council, Zoning Committee and Planning Committee,

As a first time home owner, resident of the Montopolis neighborhood area, small business owner and President of the Frontier at Montana Home Owners Association*, I am strongly opposed to the City of Austin Zoning Change request (2012-063327 ZC) and Neighborhood Plan Amendment (2012-063313 NP). This change will compound existing issues, create new problems and decrease the overall value of our homes, businesses and property. There is no evidence of the city's plans to address or prevent these problems. As a stakeholder and property owner in the Montopolis area, I am concerned about the certain decrease in property value that this change will cause. I am also disappointed that the Cesar Chavez Foundation feels that the proposed housing development will serve this community and its future residents. Following is a direct quote from the CCF website:

"the Cesar Chavez Foundation's Housing and Economic Development Fund is dedicated to serving the special needs of farm workers, Latinos and other low-income working families and seniors, It improves the quality of their lives and helps break the cycle of poverty through a positive and safe living environment."

I argue that this proposed development is a direct contradiction to the goals set forth by the CCF and will not actually improve the quality of their lives or help break the cycle of poverty. It will definitely not provide a positive and safe living environment. Please refer to the following crime statistics for the Montopolis Neighborhood Area – specifically violent crimes and burglary.

Within the last eight months there have been 1,486 counts of offense, resulting in 519 arrests; of the total count approximately 30% of these incidents were categorized as violent crimes, assault, burglary or theft. In Santora Villas** on Frontier Valley Drive, more than 72 incidents have been reported since January of this year, approximately 56.9 % of those incidents are considered violent crimes, burglary or theft.

These statistics serve as evidence of what current residence are facing on a daily basis with no promise or hope of a remedy. These are only the incidents that have been reported to law enforcement. The potential future residents of this area can look forward to this environment as well.

Furthermore, the Cesar Chavez Foundation boasts on their website that they have a "well-earned reputation as a leading provider of high-quality, amenity-intensive affordable housing". Given the following factual data obtained from the Texas State Affordable Housing Corporation - Aguila Oaks*** Report from April 2011, how can we feel confident that this development and management company will maintain the proposed Montopolis area development while it is clear that they lack the immediate funds and obligation to maintain the current developments?

"Are recreational/common areas clean, maintained and accessible? X (NO)"

"Is the exterior of the buildings in acceptable condition? X (NO)"

Comments: There are areas of severe erosion and clear walking paths throughout the property. Management stated that they are aware of the erosion problem and will address it when funds are available to do so. On the day of the site visit, both pools were closed for repairs. Although the roofs appear to be in need of attention, Management stated that they were recently inspected by and insurance adjuster who said the roofs are in good condition. The exterior of the buildings is still in unacceptable condition."

"In reviewing the police report the following incidents were noted and includes the number of times incidents occurred:

Burglary (8), Burglary of Vehicle (3), Robbery of Individual (1) Theft (5), Vehicle Theft (3)"

In my opinion, these statements are not proof of “high-quality, amenity-intensive affordable housing” or “a positive and safe living environment”. These statements are proof that this development will not enrich our community or the lives of future residents but, in time, diminish our community, neighborhood and future growth of the Montopolis Area.

On a separate but equally important note, the only entrance and exit to the proposed development is onto Frontier Valley. Frontier Valley is a small residential street with a narrow roadway; there is currently limited and unsafe street parking, no roadway shoulder and no sidewalk on the west side of the street. By adding an average of 1,600 car trips per day to this street, the neighborhood will face unwanted and potentially dangerous traffic. The surrounding residents have been in opposition to and will continue to oppose the increase in traffic and the lack of traffic calming devices. Once again, this zoning change and proposed development will only exacerbate this existing problem.

In closing, this zoning request, if granted, will result in an irresponsible and unmanageable increase in residential density on Frontier Valley, permanently change the Montopolis Neighborhood community and hinder the growth of the Montopolis area. I sincerely ask you to vote in opposition to this proposed zoning change and neighborhood plan amendment. I urge the City and community to do further research into this matter and choose an option that better suits our neighborhood and city. By adding this much affordable housing to this street, we are preventing a safe and healthy living environment for current and future residents and smothering future growth.

Sincerely,

Caitlin Harris Moore
6904 Villita Avenida Street
Austin, TX 78741
crharrismoore@gmail.com
(832) 865-6675

* I am not speaking on behalf of my neighborhood HOA or on behalf of anyone besides myself

** Santora Villas (1705 Frontier Valley Drive) - the affordable apartment complex across the street from the subject tract (1700 Frontier Valley Drive)

*** Aguila Oaks is the closest Cesar Chavez Foundation development to the City of Austin – located in San Antonio

Dear Planning Commission and City Staff,

This letter concerns Neighborhood Plan Amendment Case 2012-063313 NP and Zoning Case 2012-063327 ZC that are both scheduled for discussion at the Planning Commission on August 28 and at City Council on September 27.

I am against the applicant's request to amend the Neighborhood Plan and change the Zoning on this property from CS to CS-MU-NP. The approval of these requests would enable a proposed affordable apartment development at 1700 ½ Frontier Valley Rd.

For almost three years, I have lived in Montopolis in a subdivision of more than 70 homes called Frontier at Montana. The Austin Housing Finance Corporation created Frontier at Montana. We are a diverse community of first time homeowners.

Our HOA Board of Directors now officially opposes this neighborhood plan amendment and zoning change request. I am the Secretary of the Frontier at Montana HOA.

I am a member of the Montopolis Neighborhood Plan Contact Team Executive Committee but was out of town during the last meeting when these cases were discussed. I would have voted to oppose. I am also aware of some of the conflicts of interest and credibility issues that have been raised about that last meeting.

I am a co-founder of the Montopolis Greenbelt Association. Our group was chiefly responsible for the City's acquisition of 20 acres of new public land adjacent to our neighborhood and we are developing a trail system.

The Frontier at Montana subdivision borders Frontier Valley Dr and is a several blocks to the north of the proposed development.

Although I have been a renter for most of my adult life and a homeowner for only the last three years, and although I am benefitting from a City affordable housing program, I share with others in my neighborhood some serious concerns about the affordable apartment complex being put forward as the proposed use at 1700 ½ Frontier Valley Rd.

Across the street from the proposed 250-unit affordable apartment complex is an existing 192-unit affordable apartment complex called Santora Villas at 1705 Frontier Valley Rd.

People in Frontier at Montana are very aware that Santora Villas is both a target and source of crime in our neighborhood. With 192 units, and a population of close to 550, there is an average of 10 APD crime incident reports per month. This statistic does not include crimes committed elsewhere perpetrated by juveniles or others who reside at Santora Villas.

In Frontier at Montana one of our goals is to preserve the integrity of our neighborhood. We want this to be a safe and enjoyable community for the first time homebuyers who struggled for years to enjoy the privilege of owning and caring for a new home.

At Frontier at Montana we have suffered from car break-ins, home invasions, and other types of crime that we know are committed by people outside our neighborhood. It is very likely in some cases that the perpetrators come from Santora Villas.

So far, through the use Neighborhood Crime Watch techniques, we have been able to minimize the harm to our neighborhood. We know that it could be much worse. We know it could be better.

Our community is only able to absorb so much crime. It seems that another high-density affordable apartment complex immediately across the street from Santora Villas – with both of their entranceways aimed at each other – would generate a multiplier effect on crime both internal to that development as well as externally to the other parts of the neighborhood.

It is hard to think of other communities in Austin that have been asked to deal with this intensity of affordable apartment development with proven crime statistics in the same geographical space. We have searched and cannot find an example of another location in the City where two affordable apartment complexes with this many units are located immediately adjacent to one another.

Increasing the number of affordable apartment units at the end of Frontier Valley Rd from 192 units to 250 units for a total of 442 units is a 130% increase in apartment units, which is likely a 130% increase in population, and could very well be a 130% increase in APD crime incident reports for this location.

If the zoning and plan amendment requests are approved, and this affordable apartment complex is built, there will be a long-lasting degradation of the quality of life for residents of Frontier at Montana. It will begin to destroy what has been achieved in the creation of a new affordable neighborhood for first time homebuyers. Families will likely want to move away and things will spiral downward.

My comments above focus largely on issues related to affordable apartment density and crime. There are however many other issues that this zoning case raises, such as traffic and connectivity. Some of these are addressed below in a list of questions that are being sent to the Applicant on these cases on August 20.

Sincerely,

Pam Thompson

Frontier at Montana HOA Secretary
Montopolis Neighborhood Plan Contact Team Executive Committee Member
Montopolis Greenbelt Association Co-Founder

Questions for the Applicant

Neighborhood Plan Amendment Case 2012-063313 NP and Zoning Case 2012-063327 ZC

Sent to Frank Del Castillo by email on August 20 and CC:ed to the Planning Commission

1) Background

The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, appear to have been working on this project for 1700 ½ Frontier Valley Drive since at least May, 2012, presumably before then. ***Who initiated this project? When was it initiated? And why was it initiated?***

2) Neighborhood Consultation

The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, made presentations to the Montopolis Neighborhood Plan Contact Team in May and June. But residents at the Arbor Condo (HOA) on the corner of Frontier Valley Dr, the residents of Santora Villas, residents of the Frontier Valley Mobile Homepark, and residents of Frontier at Montana (HOA) were never contacted. ***Why didn't you make efforts to speak directly with HOAs and others that represent people who will be most impacted by this development project? Are you willing now at this late stage in the process to sit down with people from these areas to address concerns and answer questions about the project?***

3) Financial Condition of the Owner

The listed owner for this property, Equity Secured Capital, L.P. has stated that the property is in foreclosure. The owner has also stated that Equity Secured Capital does not have a real interest in the zoning case other than if the zoning changes then the property is easier to sell. ***What are terms of this foreclosure? To what extent are any deadlines or terms of the foreclosure process driving this zoning and plan amendment process? How long has the property been in foreclosure and is there something that needs to occur soon or could it continue to be in foreclosure for the foreseeable future?***

4) Affordable Apartment Density

Your proposal is to construct 250 units of affordable apartments directly across the street from Santora Villas that has 192 units. The combined total of affordable apartment units in both sites would be 442. There are few if any locations in the City of Austin where there are affordable apartment complexes of this size immediately adjacent to one another, and this case with entranceways that would directly face each other. ***When you developed your plans for a 250-unit affordable apartment complex, how much did you actually consider the already existing density of affordable apartment complexes within the Montopolis neighborhood? Did you take into consideration the Santora Villas complex across the street and the problems that it already presents? Or the Riverside Meadows affordable apartment complex between Montopolis and Vargas, only one long block to the west? Do you really think it is reasonable and fair to add yet another affordable apartment complex into a part of the City that already seems to surpass any other part of the City in terms of affordable apartment density?***

5) Crime Rates and Crime Prevention

According to data available on www.krimelabb.com there is an average of 10 reported APD crime incidents per month at Santora Villas and there are 10 per month at Riverside Meadows on Montopolis Dr. ***Is there any reason why neighbors should not fear that the addition of 250 units of affordable apartments will similarly be a cause for more reported crime incidents each month? What could the property managers conceivably do that would limit or make the crime***

incidents any less than the surrounding affordable apartment complexes? It is understood that applicants to the units will need to have criminal background checks. Is that any different than the neighboring complexes? Doesn't that only apply to the people on the lease? How effective is that really?

6) Cesar Chavez Foundation versus Capstone Management

Santora Villas on Frontier Valley Dr. and Riverside Meadows on Montopolis Dr. are both managed by Capstone Management. It is understood that the Cesar Chavez Foundation would manage the new development. ***What distinguishes the Cesar Chavez Foundation from Capstone? What assurances and guarantees can be made that the Cesar Chavez Foundation will do things so differently that the result is the new development becomes far superior and free of problems? Does the Cesar Chavez Foundation manage the property noted in this PDF in San Antonio? How can you guarantee a level of care greater than what is depicted in photos toward the end of the document? How will superior maintenance and property care be funded?***

http://www.tsahc.org/pdfs/2011_AOC_Aguila_Oaks_Report.pdf

7) Details on Units and Population

How many of the units are 1 bedroom, 2 bedroom, 3 bedroom, or more? What will the rent be on these different configured units? What is the anticipated population when units are full? How many adults? How many children? What is the total expected population? How many units will be occupied by people with housing vouchers?

8) Cars and Traffic

Based on the number of units and projected number of adults, how many cars do you anticipate being owned by residents? How many parking spaces will you build into the project? Given some of the neighborhood concerns regarding traffic, would you be willing to initiate a neighborhood traffic impact analysis even though not technically required by ordinance?

9) Connectivity

The Montopolis Neighborhood Plan and the design criteria for Mixed Use, as well as the plan for the East Riverside Corridor all call for connectivity. The only connectivity in your plan is to connect to Frontier Valley Dr. Erica Leak of the planning division has indicated that not only is there not a problem with connecting the project to E. Riverside Dr, but in fact doing so is desirable and in accordance with the East Riverside Corridor vision. ***Are you willing to amend your zoning case? Are you willing to make it so there is a driveway, or better yet a road, that connects directly from the affordable apartment area to E. Riverside Dr? And in addition are you willing to change the plan to connect to Santo St.?***

10) Del Valle School District

In the zoning application there is place to indicate whether AISD has been consulted. This project, however, is in the Del Valle School District. Although not a requirement, have you considered what the impact will be on the Del Valle School District?

Monday, August 27, 2012

Dear Planning Commission Members,

This letter is in regards to zoning permit case [2012-063326](#) ZC and neighborhood plan amendment case [2012-063313](#) NP for property in Montopolis at 1700 1/2 Frontier Valley Drive.

Both cases are scheduled for the Planning Commission on August 28, 2012.

I strongly oppose the applicants request to change the zoning from CS-NP to CS-MU-NP and the request to amend the neighborhood plan for the proposed purpose to build 250 affordable apartment units with support from the Texas Department of Housing Community Affairs.

I believe that the Montopolis Neighborhood Plan Contact Teams and City Staffs support for this zoning change and plan amendment does not fully consider the impact that this TDHCA apartment complex would have on the neighborhood, and on the existing infrastructure within the area. Furthermore, the likely impact on Frontier at Montana, a 70+ household subdivision developed by the Austin Housing Finance Corporation has not been fully studied.

For the reasons below, I do not support these zoning changes and implore you to recommend that Austin City Council deny these two cases.

Safety of our children.

There are only two arterial ways to enter and exit my neighborhood (the Frontier at Montana subdivision), from E. Riverside Drive/Frontier Valley and Montana Street. Currently, our residents have a high number of automobiles, trucks, and motorcycles driving fast on our streets where children play. By adding another housing development to this area the traffic and safety concerns will only increase.

There is already a significant and undesirable amount of traffic through our community. There are too many cars that drive too fast. We have requested traffic calming for the safety of our children but no solutions have been determined.

There is already congestion at the intersection of Frontier Valley Dr. and E. Riverside Dr. where at times drivers have long waits to turn across 5 lanes of traffic. There is no traffic light or pedestrian cross walk to facilitate safely passage.

If this case is approved, the increased congestion at E. Riverside Dr. will add longer wait times and make it more dangerous to exit and enter our neighborhood from

this direction. Over time this will even become more of a problem as the E. Riverside Dr. corridor is developed.

The proposed development at 1700 1/2 Frontier Valley Dr. has the entry/exit points planned for Frontier Valley Dr. only. This would mean an increase in the number of cars traveling to and from work, school, etc. on Frontier Valley Dr to either E. Riverside Drive or through my neighborhood. In turn, this housing development would generate more automobiles, trucks, and motorcycles driving fast through our neighborhood. I believe this would negatively impact Frontier at Montana residents. I urge to to encourage the Austin City Council to deny these two cases.

Thank you,

Donna Del Bello

Frontier at Montana Resident

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0067

Contact: Lee Heckman, 512-974-7604

Public Hearing: Planning Commission, Aug 28, 2012
City Council, Sep 27, 2012

Your Name (please print)

Richard Berns

Your address(es) affected by this application

6500 E Riverside Dr 78741

Signature

Date

Daytime Telephone:

328-7774

Case # C14-2012-0067

I strongly oppose the 'affordable housing' request. There is enough affordable housing on Frontier Valley. If this request is allowed, traffic will increase [no light at Frontier Valley and E Riverside Dr]; an element of crime will be increased to the area [it is well documented that affordable housing increases crime to the area]; property values will decrease. We have worked very hard to deliver a good product to the neighborhood. The Arbors at Riverside Condominiums. The value of these homes will certainly decrease if this request is allowed. A lot of these homes were sold because there was so much hype to the 'new and improved' Riverside Dr. if this is to become the boulevard the City has talked about for pedestrians, home owner and investors, this request must be denied I strongly oppose this zoning requested by the Applicant

Richard Berns

THE ARBORS AT RIVERSIDE, LLC

P. O. Box 1088

Austin, TX 78767-8810

From Stefan Wray 8/19/2012

Please Add to Case File with the attached Map

1700 1/2 Frontier Valley Drive

Zoning Case # 2012-063326 ZC

Plan Amendment Case # 2012-063313 NP

Set for Planning Commission August 28 & Council on Sept. 27

Help Us Get Answers on Case # 2012-063326 ZC & Case # 2012-063313 NP scheduled for August 28

Lee Heckman and Maureen Meredith and Planning Commission Members,

There is a growing coalition of opponents to the plans for a 250 unit affordable apartment complex at 1700 1/2 Frontier Valley Rd. We are people who live closest to it and would be most impacted who only learned about a few of the details at the last MNPCT meeting on July 30, which was just 20 days ago.

Since that time we have had two meetings. We are communicating daily on email. We have been conducting research. We have been contacting other neighbors. We have started to circulate petitions. We have reached out to the Planning Commission. One member of the Planning Commission has toured the neighborhood and seen the project site.

We are concerned about traffic both exiting to E. Riverside and through the neighborhood, about the negative multiplier effect of building another affordable apartment complex across the street from another, about the fact that the existing affordable apartment complex already has its share of crime, about the impact this new complex will have on Del Valle ISD, about the lack of connectivity in the project that seems to go against the neighborhood plan and the provisions of the multi use design, about the impact on property values, . . . the list goes on.

At this time we have a lot more unanswered questions and growing concerns about the project. I am hearing that the majority of concerns and issues that have started to emerge were not addressed at the MNPCT meeting, or if they were then they were glossed over.

Both the Planning Commission member who toured the area as well a staff person in the transportation department who I spoke with last week have suggested that we as a group start to reach out to the owner and applicant about some of our concerns.

We have some very specific questions. For example, it seems that the way the full property has been divided it leaves no choice but to empty all traffic onto Frontier Valley Dr. This is a major concern for us. Yet if divided differently, there could be connectivity to Santos St and there is a possibility for a small corridor out to E. Riverside directly. Why didn't they divide it with this connectivity in mind?

We have found some inspection reports of other Cesar Chavez Foundation reports in Texas that show property exteriors not well cared for. How would the developer guarantee there are sufficient funds to maintain the property over time? (See the photos at the end of this: http://www.tsahc.org/pdfs/2011_AOC_Aguila_Oaks_Report.pdf)

We would like speak directly with the owner and applicant - in a separate meeting than through the contact team.

I tried initiate this last week. I called the number given to me by staff of the owner, which it turns out is actually just a bank. The owner said that although technically the bank is the one requesting the zoning change they are doing it so the property can be sold.

The owner said the property was in foreclosure.

The owner said he really wasn't the right person to speak with and that we should contact Amelia Lopez of the MWM Design group. I made some attempt to get through the automated messaging system at 453-0767 but found Amelia's voicemail box to be full and no one else answering the phone. I also sent an email to mwmmail@mwmdesigngroup.com and have not heard back.

So we are still in the process of trying to connect with MWM Design Group.

But it's my understanding that it is the Cesar Chavez Foundation that is really the group we should be speaking with since apparently they might be ones who will buy the property . . . or something like this.

So do we have to go through the MWM Design group to get to whomever at the Cesar Chavez Foundation would be someone that can answer our questions answered?

Please advise how best we can communicate with whomever is best for us to contact to address our growing list of concerns.

ALSO, we have a number of questions for staff. Some of these are questions about demographics, about the density of affordable housing, about the ratio of apartments to single family, about the ratio of renter to owner, about other housing characteristics in Montopolis, along the E. Riverside corridor, in 78741, and in Austin as a whole.

It seems that the decision to introduce another affordable apartment complex should be done with an understanding of its context and its relationship to the phenomena of affordable apartments as a whole.

There is a concern that there is a greater density of affordability apartments in this area than in other parts of the City and that these apartments are already hotspots for crime and the the City doesn't necessarily have a good grasp or understanding of what is going on in some of these units and that before a decision is made that might create more problems that there should be some effort to address the problems that exist already.

Please advise who on City staff can begin to best answer some of these questions about the existing affordable apartment stock. Who has oversight? Who can best speak to some of the data that is available such as the attached map found at data.austintexas.gov?

See on the attached map where there are the most and biggest blue circles in the largest clump -- that's along the E. Riverside Drive with the right half of that being Montopolis. Those blue circles represent HUD, TDHCA, AFHC, and other subsidized apartments of varying sizes.

From Stefan Wray 8/20/2012

Dear City Staff and Planning Commission,

Please Add to Case File: Include Attachment from Frank Del Castillo

Related to Case # 2012-063326 ZC & Case # 2012-063313 NP set for August 28 at Planning Commission

Dear Frank Del Castillo,

I was out of town on July 30 and on June 14 and was not able to attend the meetings where you presented information about the proposed development at 1700 1/2 Frontier Valley Dr.

I'm trying to understand why this project is being designed with Frontier Valley Dr being the only point of entry and exit. The entire property has connectivity to E. Riverside Dr. It also has potential connectivity to Santos St.

I don't understand why you are not including exit and entry on those streets as well in your plans.

I have read your reply to this question previously in which you wrote "Since the front 5 acres along East Riverside will not be developed as part of the first phase, we do not want to encumber the property with a specifically located driveway at this time."

See ATTACHMENT

Curious if you realize how much of an encumbrance it will be for those of us who live near this proposed development who will have to deal with the increased traffic onto Frontier Valley that will either go to E. Riverside or travel north and cut through our neighborhood.

Why haven't you met with neighbors who actually live near the development? It seems that you've gotten approvals from others in Montopolis who probably never travel on Frontier Valley Drive and so for them it is not an important issue.

But I can tell you that there are quite a number of my neighbors who are very upset about the fact that your development plan is to only be connected to Frontier Valley.

Please note that today the Board of Directors of the Frontier at Montana Homeowners Association voted to oppose this zoning request. Frontier at Montana is a subdivision of homeowners with properties on Frontier Valley Dr.

This issue of traffic is not the only one but it is high on the list.

You also wrote in reference to E. Riverside that "Locating a driveway for ingress and egress is limited to specific locations."

Can you please describe or depict where those specific locations are.

Could you bring to the Planning Commission a drawing that shows the specific locations that could connect to E. Riverside?

And what about Santos St.? What would be the reason that there cannot be connectivity there?

- Stefan Wray
Homeowner at Frontier at Montana
MNPCT Member

From Stefan Wray 8/21/2012

COA STAFF: PLEASE ADD QUESTIONS TO CASE FILE

Dear Frank Del Castillo

Please find below a list of questions regarding your request for a neighborhood plan amendment and zoning change on property located at 1700 1/2 Frontier Valley Rd.

Sincerely,

Stefan Wray

Frontier at Montana Resident

Montopolis Greenbelt Association Co-Founder

Questions for the Applicant

Neighborhood Plan Amendment Case 2012-063313 NP and Zoning Case 2012-063327 ZC

Sent to Frank Del Castillo by email on August 20, 2012 and CC:ed to the Planning Commission

1) Background

The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, appear to have been working on this project for 1700 ½ Frontier Valley Drive since at least May, 2012, presumably before then. ***Who initiated this project? When was it initiated? And why was it initiated?***

2) Neighborhood Consultation

The Cesar Chavez Foundation, Corner Brook Development Corporation, and MWM Design Group, made presentations to the Montopolis Neighborhood Plan Contact Team in May and June. But residents at the Arbor Condo (HOA) on the corner of Frontier Valley Dr, the residents of Santora Villas, residents of the Frontier Valley Mobile Homepark, and residents of Frontier at Montana (HOA) were never contacted. ***Why didn't you make efforts to speak directly with HOAs and others that represent people who will be most impacted by this development project? Are you willing now at this late stage in the process to sit down with people from these areas to address concerns and answer questions about the project?***

3) Financial Condition of the Owner

The listed owner for this property, Equity Secured Capital, L.P. has stated that the property is in foreclosure. The owner has also stated that Equity Secured Capital does not have a real interest in the zoning case other than if the zoning changes then the property is easier to sell. ***What are terms of this***

foreclosure? To what extent are any deadlines or terms of the foreclosure process driving this zoning and plan amendment process? How long has the property been in foreclosure and is there something that needs to occur soon or could it continue to be in foreclosure for the foreseeable future?

4) Affordable Apartment Density

Your proposal is to construct 250 units of affordable apartments directly across the street from Santora Villas that has 192 units. The combined total of affordable apartment units in both sites would be 442. There are few if any locations in the City of Austin where there are affordable apartment complexes of this size immediately adjacent to one another, and this case with entranceways that would directly face each other. ***When you developed your plans for a 250-unit affordable apartment complex, how much did you actually consider the already existing density of affordable apartment complexes within the Montopolis neighborhood? Did you take into consideration the Santora Villas complex across the street and the problems that it already presents? Or the Riverside Meadows affordable apartment complex between Montopolis and Vargas, only one long block to the west? Do you really think it is reasonable and fair to add yet another affordable apartment complex into a part of the City that already seems to surpass any other part of the City in terms of affordable apartment density?***

5) Crime Rates and Crime Prevention

According to data available on www.krimelabb.com there is an average of 10 reported APD crime incidents per month at Santora Villas and there are 10 per month at Riverside Meadows on Montopolis Dr. ***Is there any reason why neighbors should not fear that the addition of 250 units of affordable apartments will similarly be a cause for more reported crime incidents each month? What could the property managers conceivably do that would limit or make the crime incidents any less than the surrounding affordable apartment complexes? It is understood that applicants to the units will need to have criminal background checks. Is that any different than the neighboring complexes? Doesn't that only apply to the people on the lease? How effective is that really?***

6) Cesar Chavez Foundation versus Capstone Management

Santora Villas on Frontier Valley Dr. and Riverside Meadows on Montopolis Dr. are both managed by Capstone Management. It is understood that the Cesar Chavez Foundation would manage the new development. ***What distinguishes the Cesar Chavez Foundation from Capstone? What assurances and guarantees can be made that the Cesar Chavez Foundation will do things so differently that the result is the new development becomes far superior and free of problems? Does the Cesar Chavez Foundation manage the property noted in this PDF in San Antonio? How can you guarantee a level of care greater than what is depicted in photos toward the end of the document? How will superior maintenance and property care be funded?***

http://www.tsahc.org/pdfs/2011_AOC_Aguila_Oaks_Report.pdf

7) Details on Units and Population

How many of the units are 1 bedroom, 2 bedroom, 3 bedroom, or more? What will the rent be on these different configured units? What is the anticipated population when units are full? How many adults? How many children? What is the total expected population? How many units will be occupied by people with housing vouchers?

8) Cars and Traffic

Based on the number of units and projected number of adults, how many cars do you anticipate being owned by residents? How many parking spaces will you build into the project? Given some of the neighborhood concerns regarding traffic, would you be willing to initiate a neighborhood traffic impact analysis even though not technically required by ordinance?

9) Connectivity

The Montopolis Neighborhood Plan and the design criteria for Mixed Use, as well as the plan for the East Riverside Corridor all call for connectivity. The only connectivity in your plan is to connect to Frontier Valley Dr. Erica Leak of the planning division has indicated that not only is there not a problem with connecting the project to E. Riverside Dr, but in fact doing so is desirable and in accordance with the East Riverside Corridor vision. ***Are you willing to amend your zoning case? Are you willing to make it so there is a driveway, or better yet a road, that connects directly from the affordable apartment area to E. Riverside Dr? And in addition are you willing to change the plan to connect to Santo St.?***

10) Del Valle School District

In the zoning application there is place to indicate whether AISD has been consulted. This project, however, is in the Del Valle School District. ***Although not a requirement, have you considered what the impact will be on the Del Valle School District? What has ben communicated to DVISD?***



7010 EAST RIVERSIDE DRIVE
Montopolis Neighborhood Plan
Contact Team Meeting
May 21, 2012
6:00 pm
Montopolis Recreation Center

Location –	7010 East Riverside Drive	
Existing Zoning	CS-MU-NP	approximately 3.86 acres
	CS-NP	approximately 10.73 acres
	MF-3-NP	approximately 6.97 acres
	SF-3-NP	approximately 0.67 acres
Neighborhood Plan identifies the property the same as zoning Property is vacant		
Proposed Zoning	CS-MU-NP	approximately 14.59 acres
	MF-3-NP	approximately 6.97 acres
	SF-3-NP	approximately 0.67 acres
Proposed Development	Phase One	Approximately 252 multi-family units on approximately 17.23 acres
	Phase Two	Undetermined Mixed Use on approximately 5.0 acres fronting East Riverside Drive

Questions

- 1. Can the development provide egress only directly onto East Riverside Drive? –** Our plan is to provide for two accesses onto Frontier Valley Drive. The City of Austin has specific criteria for the inclusion of access to major arterial. Some of the criteria includes:
- One-way driveways are limited to developments where two-way access is unfeasible because of special design considerations (TCM 5.3.1.D)
 - Driveways are to be located no closer to the corner of intersecting rights of way than 60 percent of parcel frontage or 100 feet; whichever is less (TCM 5.3.1.J)
 - Driveways on divided streets shall be designed to align with median breaks or be offset by a minimum of 100 feet (TCM 5.3.1.K)

Applying the above criteria, locating an egress only driveway along East Riverside is not allowed. Locating a driveway for ingress and egress is limited to specific locations. Since the front 5 acres along East Riverside will not be developed as part of the first phase, we do not want to encumber the property with a specifically located driveway at this time.

2. **There are drainage issues within the existing neighborhood. Can the proposed development provide some assistance in reducing the drainage issues?** – The developers are aware of some of the drainage issues and will take them into account when designing the proposed drainage/detention systems. We are committed to reducing stormwater runoff beyond requirements for the development and surrounding area.
3. **What type of labor will be used for development of the property?** – There are specific requirements on the labor and labor rates outlined in the funding agreement. These requirements will be adhered to.
4. **Address Green Space/Open Space** - The Project will include approximately 252 multi-family dwelling units on approximately 17.23 acres. This averages to about 14.6 units per acre. The buildings will be clustered on approximately 12 acres, leaving the remaining +/-5 acres for green space/open space. The green/open space will be located towards the rear of the property and will include some developed green space and some native green space. Water quality and stormwater management facilities may also be located in this area. A specific plan is not in place yet.
5. **Address Green Building** – The developer is reviewing and considering participation in the City of Austin's SMART Housing Program. Part of the program requires that all units meet Austin Energy Green Building Program minimum standards.
6. **What are the setbacks requirements from single-family land uses and zoning, and how will the development meet or exceed the setback requirements?** – The City of Austin has compatibility standards outlined in the Land Development Code with specific criteria for the setbacks and screening when a proposed development is adjacent to a single-family land use or zoning district. Some of the criteria includes:
 - a. No structure within 25-feet (LDC 25-2-1063(B))
 - b. Building heights (LDC 25-2-1063(C))
 - i. 30-feet, if less than 50-feet from property line
 - ii. 40-feet, if between 50- and 100-feet from property line

- iii. 40-feet plus 1-foot for every 10-feet of distance in excess of 100-feet, if between 100- and 300-feet from the property line
- iv. 60-feet plus 1-foot for every 10-feet of distance in excess of 300-feet, if between 300- and 540-feet from the property line
- c. Off-street parking, mechanical equipment, storage, and refuse collection shall be screened from view (LDC 25-2-1067(A))
- d. Dumpsters shall be located more than 20-feet from property line (LDC 25-2-1067(C))
- e. Intensive recreational uses (i.e. site amenities) shall be setback 50-feet (LDC 25-2-1067(F))
- f. Parking or driveways shall be setback 25-feet (LDC 25-2-1067(G))

The developer proposes to meet or exceed the requirements

7. What are pre-qualifications for tenants? –

Attached is a sample of the qualifying criteria for a similar project owned and managed by the Cesar Chavez Foundation. A few adjustments will be made to application fees, deposits, and eliminating comments about market units, however the rental, credit and criminal background criteria will remain unchanged.

8. What type of exterior finish will be used on the buildings?

The buildings will be clad with masonry siding, including, but not limited to hard, stone and/or stucco.

-----Original Message-----

From: Caitlin Harris Moore

Sent: Friday, August 24, 2012 3:59 PM

To: Anguiano, Dora

Subject: request for postponement

Dora Anguiano,

I am sending this request on behalf of various Montopolis area neighborhood groups. As residents and property owners in this area, we have been working together to address issues that will impact the neighborhoods if the zoning case (2012-063326 ZC) is approved. A community meeting was held on July 30th, this was the first opportunity for the majority of the residents to ask questions and to discuss options for this zoning case. Since that date, we have met with many stakeholders involved in this case and have a multitude of unanswered questions. The developer has agreed to answer these questions but, we do not feel there is enough time between now and the planning commission meeting (Tuesday August 28th) to do so.

We ask to be granted a 30 day postponement on this case to give the developer ample time to answer our questions and to start a dialogue of negotiations.

Thank you for your consideration,

Caitlin Harris Moore

President

Frontier at Montana HOA

Stefan Wray

Member

Frontier at Montana HOA

Anthony Golden

Committee Chair - Safety and Security

Frontier at Montana HOA

Delwin Goss

President

Montopolis Community Alliance (M.C.A.)

Vice President

C.L.A.S.P. Citizen Lead Austin Safety Partnership

Kai Jai Conner

Arbors Condominiums

Rhonna Robles

Arbors Condominiums

Rae Wallace

Manager

Frontier Valley Mobile Home Park

From: Margaret Malangalila
Sent: Monday, August 27, 2012 6:21 PM
To: [Commissioners] Meredith, Maureen
Subject: Opposed

Hello,

I know you are hearing from many of my neighbors but I would also like to state I am opposed to this new low-income housing. Traffic is already a nightmare. I live on Frontier Valley so I will be affected by this traffic daily. Furthermore this will effect the value of my home.

Thank you in advance for your time and consideration.

Sincerely,

Osmundy & Maggie Malangalila

From: Kai Jai Conner

Sent: Thursday, August 30, 2012 1:07 AM

To: Meredith, Maureen; [Commissioners]; Heckman, Lee

Subject: RE: Zoning Case File Attachment

-Thank you for your time and attention last night at the planning commission meeting. Our neighborhood appreciates the postponement for the zoning change decision, although i think you should be aware that although mwm design group took the time to meet with us and hear our concerns, we have not heard a word from them since. We asked them for some very specific action items including:

- additional ingress and egress and connectivity to arterial street, particularly to riverside;
- a security guard on their premises to supplement the already strapped apd;
- additional flooding mitigation;
- a mechanism for keeping cars from parking on the street;
- a mix of incomes in tenants to encourage diversity in the neighborhood, not just low income;
- a mix of rental and ownership, currently we have 83% rentals and what we would like to encourage is ownership;
- some kind of dialogue with the del valle independent school district, which will absorb approximately 500 students from this apartment complex alone, mwm has yet to contact them AT ALL;
- a traffic light at riverside and frontier valley? after all, their complex will add 1,600 car trips per day to our already busy street -- not just cars but lots of bikes, pedestrians, and kids;

We have heard not one word from them. We are willing to meet with them again on tuesday 9/4 but are definitely wondering why? seems like a replay of last friday, no new information. maybe just meeting to meet? they say they're willing to talk to us but...

the other point i'd like to address is some of the demographic data that was thrown out at the meeting last night being WAY OFF. 78741, riverside/montopolis, is 62.1% hispanic -- not 80% as was quoted last night. Whites are 31.4% of the resident population, NOT 10% as was quoted last night, and blacks are just .07%. If the contact team for this area is to represent the neighborhood, they are going to have to acknowledge real information, not what used to be or what they want to be or that which is not true. The demographics of this area are CHANGING and have been changing for 10 years -- that's the point of the east riverside corridor master plan. if this area was going to stay primarily mexican american, i guarantee the amli complex would not have been built, the lake shore project wouldn't be going in, and i highly doubt that the milestone project has been sold primarily to mexican americans, some probably, but not primarily -- and certainly not exclusively. The ERC plan aims for diversity -- we need more diversity in race, income, education level. if we continue to move in low income / affordable housing, we will never achieve diversity, we will attract and encourage more of the same. NOT exactly what the ERC plan promises. and i take offense at some of the slurs thrown my way: primarily that i don't support affordable housing -- i LIVE in affordable housing and most of the people i know in this area do. our condos are \$111,900-119,900: affordable by anyone's definition. and encouraging home ownership in the riverside corridor is a basic tenet of the ERC plan, which we all support. does the city still support it and stand behind it? are they still willing to work toward the promises of the ERC?

I would be open to working with MWM Design on this project --
they are the ones that do seem to have provided lip service but don't really
care what we think. they seem to be doing things for how it looks, not because they are truly
open to negotiation and working with the neighborhood on our concerns.
after all, the arbors at riverside is ACROSS THE STREET --
we are IMPACTED. we got the notice about the july 30th meeting, that was all. i just feel some
kind of 'fast one' is being
pulled on us. like this deal is being railroaded through -- and it, in its current form, will bring our
neighborhood DOWN not
make it better and more valuable. you all have the power to either help or hinder our
neighborhood -- you can lift it up or you can push it down. please feel free to call me for any
further information, i hope you'll make the right decision. I truly do appreciate all the time and
attention you've spent on this matter.

Kai Jai Conner

From: Stefan Wray

Sent: Tuesday, September 04, 2012 8:11 AM

To: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; [Commissioners]

Subject: Fwd: La Estancia del Rio and the East Riverside Corridor Plan

Email sent to Cesar Chavez Foundation.

Begin forwarded message:

From: Stefan Wray

Subject: La Estancia del Rio and the East Riverside Corridor Plan

Date: August 31, 2012 5:27:21 PM CDT

To: [Cesar Chavez Foundation]

Cc: Erica Leak; [Commission Chair]; Greg Guernsey; Frank Del Castillo; Amelia Lopez

To: Alfredo Izmajtovich, Executive Vice President, Cesar Chavez Foundation

From: Stefan Wray

Re: La Estancia del Rio and the East Riverside Corridor Plan

Date: August 31 2012

Cc: Erica Leak, COA Planning
Dave Anderson, Planning Commission Chair
Greg Guernsey, Director Planning Department
Frank Del Castillo, MWM Design Group
Amelia Lopez, MWM Design Group

Dear Alfredo Izmajtovich,

I've been speaking with staff in the City's Planning Department in regards to your development plan for 1700 1/2 Frontier Valley Drive and how it could impact the goals of the East Riverside Corridor Plan which has been in the works since 2010.

At this time there is a East Riverside Corridor Plan Master Plan and a draft ordinance. Until the draft ordinance becomes an actual ordinance City staff can only recommend and not require adoption of its provisions.

One of the ways the ERCMP implements connectivity is the creation of new street grids integrating with existing streets through a combination of collector and local streets.

Please go to the ERCMP page on the City's web site:
<http://austintexas.gov/page/east-riverside-corridor-master-plan>

Under Adopted East Riverside Master Plan, click on Executive Summary, and go to page xii

Please take a look at the **Street Network Improvement map** and the part near Frontier Valley Dr. and E. Riverside.

On that map there is a "potential connector street" about 650 to 675 feet north of and parallel to E. Riverside Drive that cuts from Frontier Valley Dr to Vargas. This connector street basically bisects the tract you are wanting get rezoned.

The conceptual map also shows local streets that parallel Frontier Valley Dr and that bisect the front 5 acres on E Riverside and that also follow the western property boundary.

Based on my understanding of your development plan at this time, it seems that your project in its current form would remove the possibility of this type of street grid on your tract.

I'm not sure to what extent you considered your development project in relation to the proposed ERCMP, but it is something that neighbors are beginning to address and it will be the lead topic of a meeting on Sept. 4. See below announcement.

It would be good if MWM Design can have some answers regarding your position at the meeting.

There are definitely Planning Commission members and Council Members who are very supportive of the ERC Plan who will very likely vote against a zoning request if it becomes abundantly clear that it would restrict or impede the connectivity provisions in this area.

Don't know if this is something your team investigated well when you did your feasibility assessment for this project over the last year or so.

I learned today that the omission of reference to the connectivity provisions might have been an oversight on COA staff's recommendations in the case file. They did use the ERCMP as a way to back up the two leading arguments and basis for zoning change. But they didn't extend that same framework of analysis to traffic and connectivity.

But this will all come out at the Sept. 11 Planning Commission meeting.

I don't mean to be rude, but this might be a good time to reevaluate whether it is cost effective to continue pursuing this project.

I'm not so sure your advisors on the ground here have read the political landscape properly.

You may have gained some initial support from the neighborhood contact team. But I spoke with someone today who attended the July 30 meeting and a previous one who said that at those meetings you couldn't really say that this project was "vetted" or critically analyzed.

Now it is.

Sincerely,

Stefan Wray

Hello Montopolis Residents,

On August 28 residents of Frontier at Montana, Arbor Condos, and from other parts of Montopolis were successful in asking the Planning Commission to postpone for two weeks its vote on a zoning change for property at 1700 1/2 Frontier Valley Drive. If the zoning change is approved, the developer plans to build 252 subsidized rental apartment units with 485 parking spaces with access only onto Frontier Valley Dr. This would be directly across the street from Santora Villas, with 192 subsidized rental apartment units. This will impact neighbors who use Frontier Valley Dr. with a considerable amount of added car traffic. With a total of 444 subsidized apartment units clustered on Frontier Valley Dr, it would perhaps be the densest concentrations in the entire city. Although adding affordable housing is consistent with the East Riverside Corridor plan, this amount of density may not be consistent with new goals the City is developing for "geographic dispersion" of affordable housing.

The Planning Commission on August 28 heard our arguments that there had been defects in the planning process specifically around notification. Although there were meetings of the Montopolis Neighborhood Plan Contact Team in May and in June about this project, no one could tell from the agenda items that it was about the same piece of property and notifications did not reach many people.

The vast majority of people in Montopolis only started to learn about this zoning case on or after July 30. And some residents most impacted by this development who live along or near the Frontier Valley Dr corridor only had a first meeting with the developer's agent on August 21.

For these reasons, the Planning Commission agreed to a two week postponement. The item will be on the **Planning Commission's agenda on Tuesday, September 11 at 6 pm at City Hall.** Parking is available downstairs. **All who have concerns about this zoning case are urged to attend.**

In addition another public meeting has been set for September 4.

This is the City's invite:

The applicants of the 1700 1/2 Frontier Valley neighborhood plan amendment and zoning case will be available to meet with interested persons about the 1700 1/2 Frontier Valley Dr. proposal **at 6:00 pm, on Tuesday, September 4th at the Montopolis Neighborhood Recreation Center, 1200 Montopolis** Dr. City staff will be available at the beginning of the meeting to answer questions about current connectivity requirements and future potential connectivity requirements proposed in the draft East Riverside Corridor Regulating Plan. Feel free to forward this invitation to others. Anyone interested in the project is invited to attend. Erica Leak, Principal Planner URBAN DESIGN City of Austin | Planning and Development Review Department 505 Barton Springs Road | 8th floor | Austin TX | 78704

To review the backup material for this zoning case, go to http://www.austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm

And click on the PDFs for La Estancia del Rio

Understanding and Questioning COA Staff Recommendations

It is worth reading the backup materials for La Estancia del Rio to understand why City staff is recommending the project. Look at page 6 of the PDF called "La Estancia del Rio rezoning" under the section called BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES).

For their 2 main points, they refer to the "adopted ERCMP" -- which means the adopted East Riverside Corridor Master Plan.

But when it comes to transportation issues -- which really means dealing with additional streets and roads -- all the staff recommendations say is that the developer agrees no more than 2000 car trips per day and no traffic impact analysis is required.

Why doesn't COA staff also refer to the adopted ERCMP and draft ERC ordinance to address what is the vision for the street network and whether the proposed use would be compatible with that street network?

Go to this ERCMP page on the City's web site:

<http://austintexas.gov/page/east-riverside-corridor-master-plan>

Under Adopted East Riverside Master Plan, click on Executive Summary, and go to page xii

Take a look at the **Street Network Improvement map** and the part near Frontier Valley Dr. and E. Riverside.

On the property being considered for rezoning, it shows a potential collector street north of and parallel to E. Riverside Dr. between Frontier Valley Dr. and Vargas. Plus 2 more potential local streets from that collector street to E. Riverside drive.

If the property is rezoned and if the zoning is tied to a conditional overlay to require compliance with the ERCMP street connectivity recommendations then this could force any developer to have to build out those streets (NOT driveways) to E. Riverside Drive.

And this would go a long way to prevent all that new traffic from being dumped onto Frontier Valley Drive and it would make it possible to realize this street grid on that property.

If the developer builds a large complex with its own internal streets but is not required to plan for future connectivity to the western tract of land, or south to E. Riverside, or if what they create to exit onto Frontier Valley Dr are just driveways and not through streets, then they will effectively block the implementation of the ERC street grid in this part of the corridor.

None of this analysis was in the City's recommendation.

- Stefan Wray

From: Stefan Wray

Sent: Tuesday, September 04, 2012 8:13 AM

To: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; [Commissioners]

Subject: Fwd: Staff Recommendation Counter To East River Corridor Master Plan

Important for next Tuesday's Planning Commission

Begin forwarded message:

From: Stefan Wray

Subject: Staff Recommendation Counter To East River Corridor Master Plan

Date: September 1, 2012 10:31:30 AM CDT

To: Greg Guernsey

Cc: Marc Ott; Sue Edwards; Erica Leak; [Mayor and Councilmembers]

To: Greg Guernsey, Director, Planning Development and Review Department

From: Stefan Wray

Re: COA Staff Recommendation Counter To East River Corridor Master Plan

Case: C14-2012-0067, La Estancia del Rio rezoning

Cc: Sue Edwards, Assistant City Manager

Marc Ott, City Manager

Erica Leak, Principal Planner

City Council

Greg Guernsey,

If the East Riverside Corridor Master Plan is to be used as a basis for Planning Staff's recommendation on a zoning case, it seems that it should be all encompassing and address both positive and negative aspects of the proposed zoning, or the ERCMP should not be used at all and staff should just wait until the ordinance passes.

In this instance, density is being lauded. but there is no discussion of commensurate infrastructure.

This is in regards to "La Estancia del Rio" a Zoning and Neighborhood Plan Amendment case rescheduled for the Planning Commission on September 11.

Please review page 6 of the PDF called "La Estancia del Rio rezoning" under the section called BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES). (PDF is on the Planning Commission agenda for Sept 11)

In it, staff uses the East Riverside Corridor Master Plan as their framework of analysis and concludes that the proposed development meets both the ERCMP's density and affordability goals.

However, completely absent from the staff recommendation is any mention of the ERCMP connectivity goals and the impact that the proposed development would have on the grid of collector and local streets proposed for that tract and the tract adjacent to the west.

Please refer to the Street Network Improvement map on page xii in the Executive Summary of the Adopted East Riverside Master Plan.

The proposed development for this tract in the zoning case calls for driveways, not streets, only accessing Frontier Valley Dr.

I spoke with Erica Leak who concurred that if the proposed development goes through as now planned that it would effectively remove the option of having this Street Network on this tract and very much impede that option on the tract to the west.

I have learned that when the ERC Ordinance passes Council that there will be a requirement for a collector street that is parallel to and about 650 feet north of E. Riverside Dr.

The collector street would basically bisect from the portion of the tract the applicant wants to re-zone and build on.

Whether the applicant is aware of this near future requirement and whether the applicant is attempting to get a re-zoning and plan on the ground prior to the ordinance's passage is not clear to me.

But if the ERCMP is a goal and directive of City Council and if City Staff are working diligently to refine and improve the draft ordinance to prepare it for Council to vote on, it makes sense that the Staff Recommendation for a zoning case within the ERC would be all inclusive in its analysis and not just reference the ERCMP to support arguments that favor the zoning.

The Planning Commission relies a lot on what Staff says in its recommendations. This is especially true now when there are actually 4 new people on the commission who are still learning the process.

It is not too late to remedy this. The Planning Commission is on September 11, so there is time.

If the Staff recommendation is going to hang its argument in favor of the re-zoning it needs to add some language that warns the commission and council that whereas the proposed development is consistent with several ERCMP goals that is inconsistent with another.

Staff should be recommending that the commission and council will need to weigh these goals against one another and decide whether achieving the density and affordability goals on this tract are more important at this time than likely losing the connectivity goal OR whether all of those goals are important and despite being good for density and affordability the zoning should not be approved because of negative consequences for connectivity.

None of that nuance is in the case file. And without that in the document, and without it being in the staff presentation at the Planning Commission it then becomes hard to enter that into the conversation and ultimate decision.

Do staff recommendations on zoning cases ever get updated or edited or even changed to a negative? This might be one of those times when it makes sense to do so.

Thanks,

Stefan Wray

-----Original Message-----

From: Stefan Wray

Sent: Tuesday, September 04, 2012 10:33 PM

To: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; [Commissioners]

Subject: Report on Montopolis Meeting

Dear Planning Commission,

Tuesday, Sept. 4, from 6:00 to 7:30 there was a meeting at Montopolis Recreation Center where first City staff including Erica Leak, Principal Planner on the East Riverside Corridor Master Plan and two others spoke and answered questions, followed by Frank Del Castillo and Amelia Lopez of MWM Design.

This was all in regards to the zoning and neighborhood plan amendment cases for 1700 1/2 Frontier Valley Dr.

Erica Leak said that if the project is built as planned, that the collector street across that tract shown on the ERCMP could not be built. She said that it "would not entirely kill connectivity" but it would definitely have an impact.

Frank Del Castillo said the only change, or concession, to the traffic concerns was that the developer would agree to a stub on the south part of the property that might some day connect to E. Riverside Dr.

MWM Design gave answers to written questions supplied by Stefan Wray days before the August 21 meeting. But Frank Del Castillo of MWM said that he had misplaced the follow up questions from the August 21 meeting itself. And didn't answer other questions written after then.

Several of the answers were non-answers that they either deemed as not relevant or outside the scope of the project -- according to them.

MWM did not want to address who initiated this development project or how it came into being. Said that was not relevant.

MWM said anything about the current owner and the foreclosure was all confidential

MWM addressed the question about whether the developer had considered that there were already TDHCA apartment complexes in the close proximity by stating that a good market analysis had been conducted.

MWM skirted the question about crime statistics at Santora Villas and the other TDHCA apartment complex nearby. Said that if there is good management then there will not be the same level of crime problems.

There was one question from the floor about property tax. Frank first said CCF would pay property taxes. Then he said CCF would pay at a reduced rate. Then he said he didn't know the rate.

MWM Design seems to now be very well aware that if the ERCMP becomes ordinance - which Erica Leak said could be before Council in November - that they would have to dramatically change their project because the connector street would be required.

But Frank said that the developer is not trying to move this project through quickly because of concern about getting a zoning change before the ERC rules change. He said it was because of financial reasons - that he could not state.

There was little time for further questions at the end as a Montopolis resident named Angelica Noyola began a rant crime statistics, that many were aware of and that took time away from the point of the meeting. This resulted in any additional questions being answered.

What's interesting is that when I spoke to the Executive VP of the Cesar Chavez Foundation, he said that the City was thwarting them in being able to put access out to E. Riverside.

But now we are hearing that CCF only is buying the 17 acres and the 5 acres at the frontage of E. Riverside will remain with the current owner.

It is their choice to only buy the 17.

Regardless of the names of the organizations involved with this deal -- they are both out of town developers coming in at the last minute before a City planning process has a chance to come to the end.

If you support the zoning request you will be shooting down a provision of the ERCMP just a few months before it becomes the rule.

- Stefan Wray

From: Kai Jai Conner

Sent: Wednesday, September 05, 2012 1:00 PM

To: Heckman, Lee; Meredith, Maureen; Rusthoven, Jerry; [Commissioners]

Cc: 'Stefan Wray'; 'Caitlin Harris Moore'; 'A Golden'; 'Mayra Briones'; 'Rhonna Robles'

Subject: FW: Report on Montopolis Meeting

Dear Planning Commission,

I want to thank you for the two-week delay that you granted at the Planning Commission meeting of August 28th on the proposed zoning change at 1700 1/2 Frontier Valley. The delay was granted to allow the neighbors to work with MWM Designs to address some of our concerns regarding 252 low income apartment units at Riverside and Frontier Valley. The neighbors first raised our concerns in a meeting with MWM on Friday, August 24th, before the Planning Commission meeting. None of our concerns had been addressed prior to the Planning Commission meeting, nor were they addressed during the meeting. For this reason, the neighbors requested, and were graciously granted, a two-week delay until September 11th. Frank Del Castillo, MWM Design, pulled the Stefan Wray and the president of the Frontera Montana HOA, Caitlin Harris-Moore, aside after the Planning Commission meeting and scheduled a follow-up meeting with us for September 4th. Somehow that meeting morphed into the City, the contact team, and the entire neighborhood. So, last night, Tuesday, Sept. 4 th at 6:00 p.m., we met at the Montopolis Recreation Center. City staff including Erica Leak, Principal Planner on the East Riverside Corridor Master Plan and two other City staff were gracious enough to be there and spoke and answered questions, followed by Frank Del Castillo and Amelia Lopez of MWM Design.

One of our major concerns are the addition of 'collector streets' that Erica Leak has recommended AFTER YEARS OF STUDY and in her professional and well-respected opinion for both tracts of land fronting on Riverside between Vargas and Frontier Valley. If this SITE PLAN is approved prior to the adoption of the East Riverside Corridor Plan (that she has spent YEARS working on and could go to City Council in November) the collector street across the two tracts shown on the ERCMP could not be required by the City to be built. She stated last night that it "would not entirely kill connectivity" but it would definitely have a negative impact. The owner of the adjacent tract, the Vargas family in Houston, is committed to the ERC plan and believes that the connectivity issue is VERY important.

Frank Del Castillo said that the developer would agree to a stub on the south part of the property that might some day connect to East Riverside Drive rather than dumping all 1,600 cars per day onto Frontier Valley. A bone, but a lame one. Does nothing to facilitate the connectivity from Vargas to Frontier Valley that we were concerned about. It doesn't do anything to address the 1,600 cars coming in and out every day from the proposed project. The chances of a future buyer of the 5 acres fronting Riverside granting access to low income apartments through their retail property is nil to zero. So it's just a moot point, it means nothing.

MWM Design gave answers to written questions supplied by Stefan Wray days before the August 24th meeting. But Frank Del Castillo of MWM said that he had misplaced the follow up questions from the August 24th meeting itself so we didn't get our questions answered or our concerns addressed -- he lost our questions and concerns from that meeting! So I'm not sure if that was productive meeting time, again another moot point. These have turned into unilateral conversations, us expressing concerns and them listening.

Most of their answers last night were to questions that they deemed as not relevant or were subjects outside their purview.

MWM claims that a market analysis had been conducted for low-income apartments in this location, and they someone probably did but with 19% of the existing low-income rental property in the City being in 78741 already, we still prefer to promote some sort of diversity in income, employment, and age, and we still, for the health of our community, want to promote ownership.

MWM skirted the question about crime statistics at Santora Villas and the other TDHCA apartment complex nearby, saying that if there is good management then there will not be the same level of crime problems. I have met with Santora Villas within the last couple of weeks and I think they are doing the very best that they can with what they are working with. They are a thoughtful and professional group of apartment management people that have been in this field for a long time. They have a tough job and they are working hard on it. I think it's insulting of MWM Designs to insinuate that crime is somehow the fault of the management company, no management company wants that, for the neighborhood or their residents.

The neighbors are still very concerned about property taxes that this project will or will not pay, and frankly, the City should be too. This is how the City pays for additional services that will be necessary to serve the new residents and the new property. At an estimated value of \$8 million, their share at 2.2% would equal \$176,000 per year, money that could be used for another police officer in Montopolis, more temporary buildings in Del Valle ISD, revitalizing the ball field over at Felix that is closed due to lack of funds to maintain, or any of the ongoing expenses or projects in Montopolis. MWM claimed that CCF would pay property taxes, then that CCF would pay at a reduced rate. No conclusive answer given on this concern, but I think it'd be VERY important to the City to find out FOR SURE. In fact, it should be a determining factor as to whether or not this project serves the neighborhood and ultimately the City.

MWM Design seems to now be very well aware that if the ERCMP becomes ordinance - which Erica Leak said could be before Council in November - that they would have to dramatically change their project because the connector street would be required. But they don't go as far as to say that they're RUSHING this project so they don't have to do it, which they clearly are.

The Cesar Chavez Foundation has conveyed to Stefan Wray that the City is thwarting the effort to gain ingress and/or egress to East Riverside, but Erica Leak assured us last night that that is not the case at all. New information last night, to us anyway, was that CCF is only buying the 17 acres at the back of the tract and that the 5 acres fronting East Riverside Drive will remain

with the current owner , who I guess has not been approached regarding right of way to the back 17 acres. Amelia Lopez insisted last night that it was IMPOSSIBLE to secure this right of way.

After the meeting last night, I honestly feel that the things that unite the different groups in the neighborhood are stronger than the things that divide us. Susanna and I agree that the neighborhood worked REALLY HARD on the KB deal of a year ago: they wanted home ownership and WE DO TOO. She and I agreed to work on revitalizing the ball field over at Felix, my group pledged its support and we will work together to make our neighborhood BETTER for all that live here. They invited us to their movie night this Friday! I think everyone just needs to be heard, which last night's meeting somewhat accomplished. But what it didn't accomplish was for MWM Designs to address any of our concerns. We still are very concerned about:

Water/Wastewater and Flooding;

Police Manpower & Crime;

Affect on Del Valle schools - they have not been contacted by MWM when last I spoke with them, although Amelia Lopez did mention last night that they had written a letter to Planning Commission?

Traffic and Parking on the Street - so far, they haven't done a traffic study and I didn't hear anything last night offering to do one, they claim that they're 400 trips under the 'estimated' number of car trips;

Real Estate Values and Property Taxes - we all pay a full boat, we think they should too, they're going to cost our neighborhood money;

Retail Services and Sales Tax - what can we hope to attract with a preponderance of low income housing?

I think the various groups in the neighborhood are willing to work together to make our neighborhood a stronger, more vital place to live and work. We need the Planning Commission and the City Council to get on board and help us make it happen. Fulfill the promises cited in the East Riverside Corridor Plan, many of us invested in this neighborhood based on those promises. The HOA President at Frontera Montana has a meeting this week with Susana Almanza of the Neighborhood Contact Team and I honestly believe they will find common ground to work toward this goal. Now is the time: walk the walk. We are behind you, we believe in you, we look to you for leadership and guidance. Please feel free to contact me at any time for questions or clarification to this (lengthy) letter.

Sincerely,

Kai Jai Conner